



# PUBLIC NOTICE

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**WIRELINE COMPETITION BUREAU SEEKS COMMENT ON REQUEST FOR FURTHER  
WAIVER TO EXTEND RELIEF TO SCHOOLS AND LIBRARIES IN LOUISIANA AND  
MISSISSIPPI DIRECTLY AFFECTED BY HURRICANE KATRINA**

CC Docket Nos. 96-45, 02-6

Release Date: August 16, 2007

Comment Date: August 30, 2007

Reply Comment Date: September 13, 2007

The Commission's *Katrina Relief Order*, released October 14, 2005, provided targeted support to schools and libraries from the Universal Service Fund in the wake of the devastation caused by Hurricane Katrina.<sup>1</sup> Among other things, the Order allowed affected schools and libraries to (1) re-open the Funding Year 2005 filing window; (2) receive the highest level of priority for Priority Two services (*i.e.*, 90%) for Funding Years 2005 and 2006; (3) "restart the clock" for the purposes of calculating compliance with the "two-in-five" rule;<sup>2</sup> (4) substitute services or products in one broad category for another; and (5) serve displaced students and citizens by amending their Funding Year 2005 applications to account for the unexpected increase in population.<sup>3</sup> Schools and libraries had to certify that the services and products sought in their applications would be solely used to restore the network to the functional equivalent of the pre-Hurricane Katrina degree of functionality (*i.e.*, prior to August 29, 2005).<sup>4</sup>

On August 1, 2007, the states of Louisiana and Mississippi (States) filed a request for further waiver to extend relief provided in the *Katrina Relief Order* under the schools and libraries universal service support mechanism (E-rate program) to directly affected schools and libraries in Louisiana and

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<sup>1</sup> *Federal-State Joint Board on Universal Service*, WC Docket Nos. 02-60, 03-109, CC Docket Nos. 96-45, 02-6, Order, 20 FCC Rcd 16883 (2005) (*Katrina Relief Order*). Some of the provisions in the *Katrina Relief Order* were later extended. See *Federal-State Joint Board on Universal Service*, WC Docket Nos. 02-60, 03-109, CC Docket Nos. 96-45, 02-6, Order, 21 FCC Rcd 2803 (2006) (*Katrina Relief Order Extension*).

<sup>2</sup> Under the "two-in-five" rule, applicants may only receive support for internal connections in two of every five funding years.

<sup>3</sup> *Katrina Relief Order*, 20 FCC Rcd at 16903, para. 38.

<sup>4</sup> *Id.* at 16904, para. 39.

Mississippi for Funding Year 2007.<sup>5</sup> The States request that the Commission waive section 54.507 of its rules<sup>6</sup> and treat all schools and libraries directly affected by Hurricane Katrina at the 90% discount level, the highest level of priority for Priority Two services under the E-rate program, for Funding Year 2007.<sup>7</sup> The States additionally request that priority treatment not be limited solely to projects needed to restore schools and libraries to pre-Hurricane Katrina functionality.<sup>8</sup>

Interested parties may file comments on or before **August 30, 2007**, and reply comments on or before **September 13, 2007**. All pleadings are to reference **CC Docket No. 02-6**. Comments may be filed using the Commission's Electronic Comment Filing System (ECFS), or by filing paper copies.<sup>9</sup>

- **Electronic Filers:** Comments may be filed electronically using the Internet by accessing the ECFS: <http://www.fcc.gov/cgb/ecfs/>. 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](mailto: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.

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<sup>5</sup> States of Louisiana and Mississippi Request for Further Waiver of FCC Rules to Extend Relief Provided in FCC 05-178 to Directly Affected Schools and Libraries in Louisiana and Mississippi, CC Docket No. 02-6 (Filed Aug. 1, 2007) (Request for Further Waiver).

<sup>6</sup> 54 C.F.R. § 54.507.

<sup>7</sup> Request for Further Waiver at 4.

<sup>8</sup> *Id.*; see *Katrina Relief Order*, 20 FCC Rcd at 16904, para. 39.

<sup>9</sup> See *Electronic Filing of Documents in Rulemaking Proceedings*, GC Docket No. 97-113, Report and Order, 13 FCC Rcd 11322 (1998).

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**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](http://www.bcpweb.com); phone: (202) 488-5300 fax: (202) 488-5563;
- (2) Alexander Minard, Telecommunications Access Policy Division, Wireline Competition Bureau, 445 12th Street, S.W., Room 5-B550, Washington, D.C. 20554; e-mail: [Alexander.Minard@fcc.gov](mailto:Alexander.Minard@fcc.gov); and
- (3) David Duarte, Telecommunications Access Policy Division, Wireline Competition Bureau, 445 12th Street, S.W., Room 5B-441, Washington, D.C. 20554; e-mail: [David.Duarte@fcc.gov](mailto:David.Duarte@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](http://www.bcpweb.com).

This matter shall be treated as a "permit-but-disclose" proceeding in accordance with the Commission's *ex parte* rules.<sup>10</sup> 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.<sup>11</sup> 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.<sup>12</sup>

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

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<sup>10</sup>47 C.F.R. §§ 1.1200 *et seq.*

<sup>11</sup>See 47 C.F.R. § 1.1206(b)(2).

<sup>12</sup>47 C.F.R. § 1.1206(b).