



PUBLIC NOTICE

Federal Communications Commission
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DA 08-859

Released: April 14, 2008

**COMMENT SOUGHT ON SEND TECHNOLOGIES, L.L.C./NEXUS SYSTEMS, INC.
PETITION FOR PARTIAL RECONSIDERATION OF THE WIRELINE COMPETITION
BUREAU'S CALDWELL PARISH ORDER DENYING JACKSON PARISH SCHOOL
DISTRICT'S REQUEST FOR REVIEW OF A DECISION OF THE UNIVERSAL SERVICE
ADMINISTRATIVE COMPANY**

PLEADING CYCLE ESTABLISHED

CC Docket 02-6

Comment Date: May 14, 2008

Reply Comment Date: May 29, 2008

On March 24, 2008, SEND Technologies, L.L.C./Nexus Systems, Inc. (SEND) filed a petition for partial reconsideration of the Wireline Competition Bureau's (Bureau) *Caldwell Parish Order*, which, among other things, denied Jackson Parish School District's (Jackson) Request for Review of a decision by the Universal Service Administrative Company (USAC) denying it discounted services for Funding Years 2003 and 2004 under the schools and libraries universal service support mechanism, also known as the E-rate program.¹ Specifically, SEND requests the Bureau to conduct a complete review of the record for Funding Years 2003 and 2004 to determine whether Jackson complied with the Commission's competitive bidding requirements in 2003 and 2004.² SEND asserts that the competitive process for Funding Year 2002 did not violate the Commission's competitive bidding requirements.³ SEND thus requests the Bureau to remand Jackson's underlying applications for Funding Years 2003 and 2004 to USAC for a complete review of the competitive bidding processes that were undertaken for those funding years.⁴

¹ See *Petition for Reconsideration, Requests for Review of Decisions of the Universal Service Administrative Company by Caldwell Parish, et al., Schools and Libraries Universal Support Mechanism, Schools and Libraries Universal Service Support Mechanism*, File Nos. SLD-289493, et al., CC Docket No. 02-6 (filed Mar. 24, 2008) (SEND Petition); *Request for Review of Decisions of the Universal Service Administrator by Caldwell Parish School District, Columbia, LA, et al., Schools and Libraries Universal Service Support Mechanism*, File Nos. SLD-289493, et al., CC Docket No. 02-6, Order, 23 FCC Rcd 2784 (Wireline Comp. Bur. Feb. 22, 2008) (*Caldwell Parish Order*).

² SEND Petition at 5-8.

³ *Id.* at 9-12.

⁴ *Id.* at 17-18.

The Bureau seeks comment on SEND's petition. Interested parties may file **comments on or before May 14, 2008** and **reply comments on or before May 29, 2008**. Comments may be filed using the Commission's Electronic Comment Filing System (ECFS) or by filing paper copies.⁵

- 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, 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).

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

⁵ See *Electronic Filing of Documents in Rulemaking Proceedings*, GC Docket No. 97-113, Report and Order, 13 FCC Rcd 11322 (1998).

(3) Karen Johnson, Telecommunications Access Policy Division, Wireline Competition Bureau, 445 12th Street, S.W. Room 5-A333, Washington, D.C. 20554; e-mail: karen.johnson@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.⁶ 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.⁷ 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.⁸

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

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⁶ 47 C.F.R. §§ 1.1200 *et seq.*

⁷ *See* 47 C.F.R. § 1.1206(b)(2).

⁸ 47 C.F.R. § 1.1206(b).