



PUBLIC NOTICE

Federal Communications Commission
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DA 10-2234

Released: November 23, 2010

**WIRELINE COMPETITION BUREAU SEEKS COMMENT ON PETITION FOR
CLARIFICATION REGARDING THE DEFINITION OF “CONSULTANT” AND
CONFIDENTIALITY OF CONSULTANT INFORMATION REQUIRED BY NEW FCC E-RATE
FORMS 470 AND 471**

CC Docket No. 02-6

Comment Date: December 23, 2010

Reply Comment Date: January 7, 2011

On November 12, 2010, Funds for Learning, a company that advises organizations about compliance with the regulations of the schools and libraries universal service support program (E-rate), petitioned the Commission for clarification regarding information that will be required on revised versions of the E-rate program FCC Forms 470 and 471.¹ The Commission has recently revised its FCC Forms 470 and 471 and those forms now require applicants to identify any consultant the applicant is using to assist them with their application.² The petition filed by Funds for Learning seeks clarification regarding the public availability of this information and urges the Commission not to make that information publicly available.³ Funds for Learning also seeks clarification regarding the definition of consultant.⁴

Interested parties may file **comments on or before December 23, 2010**, and **reply comments on or before January 7, 2011**. 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.⁵

¹ Petition by Funds for Learning for Clarification of Confidentiality of Consultant Information Included on New FCC Forms 470 and 471 and Definition of “Consultant,” CC Docket No. 02-6 (filed Nov. 12, 2010) (Petition).

² Wireline Competition Bureau Announces Implementation Date for Revised Forms 470 and 471 and Accompanying Instructions, CC Docket No. 02-6, Public Notice, DA 10-2218 (released Nov. 19, 2010); Instructions for Completing the Schools and Libraries Universal Service, Description of Services Requested and Certification Form, OMB 3060-0806 at 7 (item 7) (October 2010) (FCC Form 470 Instructions); Instructions for Completing the Schools and Libraries Universal Service, Services Ordered and Certification Form, OMB 3060-0806 at 8-9 (item 6g) (October 2010) (FCC Form 471 Instructions)

³ Petition at 2-9.

⁴ Petition at 9-11.

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

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

All hand-delivered or messenger-delivered paper filings for the Commission's Secretary must be delivered to FCC Headquarters at 445 12th St., SW, Room TW-A325, Washington, D.C. 20554. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes must be disposed of before entering the building. The filing hours are 8:00 a.m. to 7:00 p.m. Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9300 Hampton Drive, Capitol Heights, MD 20743. U.S. Postal Service first-class, Express, and Priority mail must 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;
- (2) Mark Nadel, Telecommunications Access Policy Division, Wireline Competition Bureau, 445 12th Street, S.W., Room 5-B551, Washington, D.C. 20554; e-mail: Mark.Nadel@fcc.gov and
- (3) Charles Tyler, Telecommunications Access Policy Division, Wireline Competition Bureau, 445 12th Street, S.W., Room 5-A452, Washington, D.C. 20554; e-mail: Charles.Tyler@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 CY-B402, 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

⁶ 47 C.F.R. §§ 1.1200 *et seq.*

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 Mark Nadel, Telecommunications Access Policy Division, Wireline Competition Bureau at (202) 418-7400 or TTY (202) 418-0484.

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⁷ See 47 C.F.R. § 1.1206(b)(2).

⁸ 47 C.F.R. § 1.1206(b).