



# PUBLIC NOTICE

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## RELEASE OF FUNDING YEAR 2008 ELIGIBLE SERVICES LIST FOR SCHOOLS AND LIBRARIES UNIVERSAL SERVICE MECHANISM

### CC Docket No. 02-6

Via this Public Notice, the Commission releases the Funding Year 2008 Eligible Services List (ESL) for the schools and libraries universal service support mechanism pursuant to section 54.522 of the Commission's rules.<sup>1</sup> On July 27, 2007, the Commission released a Public Notice (FCC 07-130) seeking comment on the ESL proposed by the universal service fund's administrator, the Universal Service Administrative Company (USAC), for Funding Year 2008, as required by section 54.522.<sup>2</sup> Those comments, where applicable, are noted in this Public Notice.

Some of the changes that have been made to the Funding Year 2008 ESL are:

- **Centrex:** In the 2008 ESL, Centrex service is treated as basic telephone service for purposes of the schools and libraries program with the intention of eliminating the requirement that applicants file a technology plan for Centrex service.<sup>3</sup>
- **Internet Access for Distance Learning:** We clarify that basic conduit access to the Internet for the purpose of accessing distance learning and video conferencing is eligible for funding in the Internet access category but distance learning and video conferencing tools are not eligible for funding.
- **Broadband over Power Lines (BPL):** We add BPL under the entry for Digital Transmission Services to allow applicants to seek funding for the transmission component of BPL as a telecommunications service.<sup>4</sup>
- **BPL-enabled Internet access service:** We add BPL-enabled Internet access service under the entry for Internet access to allow applicants to seek funding for BPL-enabled Internet access service under the Internet access category if the service is bundled with Internet access.<sup>5</sup>

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<sup>1</sup> See 47 C.F.R. § 54.522.

<sup>2</sup> See *Comment Sought on Draft Eligible Services List for Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 96-45, FCC 07-130, Public Notice (rel. Jul. 27, 2007) (July 27<sup>th</sup> Public Notice).

<sup>3</sup> See Comments of E-rate Central 1-3; Kellogg & Sovereign Consulting, LLC 1-2; South Carolina Budget and Control Board 2; State E-rate Coordinators' Alliance (SECA) 2; *see also Request for Review by Brownsville Independent School District, et al.*, File No. SLD-482620, CC Docket No. 02-6, FCC 07-37, Order, para. 7 (rel. Mar. 28, 2007) (waiving the requirement to file a technology plan for an applicant that sought funding for Centrex service but did not have a technology plan in place).

<sup>4</sup> See Comments of First Communications, LLC 1-4.

<sup>5</sup> See Comments of First Communications, LLC 1-4.

- **Ancillary Calendaring Functions:** We clarify that program participants are not required to provide cost allocation for calendaring functions ancillary to E-mail service.
- **Web Hosting:** We clarify the eligible components of a web hosting service.<sup>6</sup>
- **Failover Products or Services:** “Failover” products or services have been added to the list of miscellaneous ineligible components.<sup>7</sup>

As we stated in the July 27<sup>th</sup> Public Notice, this proceeding is limited to determining what services are eligible under the Commission’s current rules and is not intended to be a vehicle for changing any eligibility rules. Therefore, those comments not addressed in the Funding Year 2008 ESL may be more appropriately filed for the Commission’s consideration in the general proceeding for the Schools and Libraries Universal Service Support Mechanism in CC Docket No. 02-6. Those comments not addressed may include comments that requested eligibility for new services or products, comments that requested that services or products currently deemed ineligible be made eligible, comments that requested that the Commission take action outside of the scope of this proceeding, or comments that requested that the Commission take action that was not permitted by the short time frame allotted for this proceeding by section 54.522 of the Commission’s rules.

In addition, section 54.522 requires the Commission to issue a public notice attaching the final eligible services list for the upcoming funding year at least 60 days prior to the opening of the funding window for the schools and libraries program.<sup>8</sup> We authorize USAC to open the annual application filing window on November 7, 2007. Because the filing window would open less than 60 days after the release of this Public Notice, we therefore waive on our own motion section 54.522 of the Commission's rules requiring publication of the ESL at least 60 days prior to the commencement of the filing window.<sup>9</sup> We conclude that this action will facilitate the application process for E-rate beneficiaries applying for monies for funding year 2008.

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

Action taken by the Commission on October 18, 2007: Chairman Kevin J. Martin and Commissioners Michael J. Copps, Jonathan S. Adelstein, Deborah Taylor Tate and Robert M. McDowell.

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<sup>6</sup> See Comments of Kellogg & Sovereign Consulting, LLC at 4; South Carolina Budget and Control Board 3.

<sup>7</sup> See Comments of South Carolina Budget and Control Board 3.

<sup>8</sup> *Id.*; see also *Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Third Report and Order and Second Further Notice of Proposed Rulemaking, 18 FCC Rcd 26912, 26928, para. 40 (2003).

<sup>9</sup> See 47 C.F.R. § 1.3 (providing that the Commission’s rules may be waived for good cause).