



PUBLIC NOTICE

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RELEASE OF FUNDING YEAR 2009 ELIGIBLE SERVICES LIST FOR SCHOOLS AND LIBRARIES UNIVERSAL SERVICE MECHANISM

CC Docket No. 02-6

By this public notice, the Commission releases the funding year 2009 Eligible Services List (ESL) for the schools and libraries universal service support mechanism (commonly known as E-rate) pursuant to section 54.522 of the Commission's rules.¹ On July 31, 2008, the Commission released a public notice seeking comment on the ESL proposed by the universal service fund's administrator, the Universal Service Administrative Company (USAC), for funding year 2009, as required by section 54.522.² We decline to adopt any of the changes to the ESL proposed by USAC. As such, the funding year 2009 ESL we release today is the same as the funding year 2008 ESL.

In addition, section 54.522 requires the Commission to issue a public notice attaching the final ESL for the upcoming funding year at least 60 days prior to the opening of the funding window for the schools and libraries universal service program.³ We authorize USAC to open the annual application filing window no earlier than November 25, 2008. Because the filing window will 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.⁴ We conclude that this action will facilitate the application process for E-rate beneficiaries applying for discounts for funding year 2009.

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

Action taken by the Commission on November 21, 2008: Chairman Kevin J. Martin and Commissioners Michael J. Copps, Jonathan S. Adelstein, Deborah Taylor Tate and Robert M. McDowell.

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¹ See 47 C.F.R. § 54.522.

² See *Commission Seeks Comment on Draft Eligible Services List for Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Public Notice, 23 FCC Rcd 11769 (2008) (*July 31st Public Notice*).

³ 47 C.F.R. § 54.422; 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).

⁴ See 47 C.F.R. § 1.3 (providing that the Commission's rules may be waived for good cause).