

**STATEMENT OF
COMMISSIONER MICHAEL O'RIELLY**

Re: *Application for Review of a Decision of the Wireline Competition Bureau by Pribilof School District, St. Paul Island, Alaska, File No. SLD-161061517; Schools and Libraries Universal Service Support Mechanism, CC Docket No. 02-6.*

For the past year, I have expressed support for granting relief to Pribilof, an economically disadvantaged school district serving 65 students on remote islands in the Bering Sea. Due to technical problems with the E-rate Productivity Center (EPC) system and unsound policy decisions at earlier stages in this proceeding, Pribilof's application for E-rate funding has been on hold. With this order, the Commission enables the application to proceed and provides similarly situated applicants the opportunity to seek relief as well.

The EPC system's technical problems are well-documented, and I understand that the Chairman and staff are working with USAC to address them, so I will not belabor them here. Rather, my specific concern has been the misguided position that information provided by USAC on the EPC news feed constitutes notice to an applicant of a funding decision and sets the deadline to appeal the decision.

Under past precedent and practice, USAC provides notice of a funding decision directly to an applicant in a funding commitment decision letter (FCDL) mailed or emailed to the applicant's designated contact(s). In contrast, the EPC news feed essentially broadcasts to all users any action taken in the system. Notice by news feed is lazy, inadequate, and wrongly shifts responsibility for some of the failings of the EPC system on to the shoulders of unsuspecting applicants. Given the number of users and actions within the program, the content posted on EPC has been described as voluminous, cluttered, and almost always irrelevant to specific schools or libraries. It is unreasonable to expect applicants – often school and library staff with a primary educational mission to accomplish – to devote resources to continuously monitor a general-purpose news feed in lieu of receiving an FCDL directly from USAC, especially when they were never told they needed to check it.

I thank the Chairman for circulating this order to provide much needed relief and for further addressing my concerns. Specifically, the order has been revised to clarify that items posted on the EPC news feed are merely informational in nature.

Additionally, I recommend that the Commission take the next available opportunity to codify a rule that any funding decision be communicated by letter and distributed directly to the applicant's designated contact(s), preferably by electronic means. Moreover, such decisions should contain a clear statement of each basis for the decision, including citations to any relevant statutory provision or Commission rule, order, or policy. These simple steps could provide even greater clarity and certainty for participants and would improve transparency and accountability for the programs overall. Applicants and the American people deserve no less.