

**STATEMENT OF
COMMISSIONER JESSICA ROSENWORCEL
DISSENTING**

Re: *BellSouth Telecommunications, LLC, d/b/a/ AT&T Southeast*, File No.: EB-IHD-14-00017954.

This decision revisits an earlier Notice of Apparent Liability for Forfeiture regarding allegations that a provider did not live up to its duty to charge schools the “lowest corresponding price” for services under the E-Rate program. I respect my colleagues’ decision today to conclude that this prior effort was procedurally untimely. However, I supported the underlying NAL and continue to believe that there are merits to our earlier approach. In particular, I believe our initial decision would support greater accountability with respect to universal service funds than the course the agency adopts today. That is because our prior approach recognized that some violations of our rules should be treated as continuing until they are remedied. In addition, our earlier approach sought to count infractions from the date of universal service disbursements. This could be a more transparent point for action than the one we adopt here involving counting from when schools are billed by a provider. The agency may not become aware of billing until well after an infraction has taken place and as a result the approach in today’s decision could make enforcement of our rules more difficult. For this reason, I choose to dissent.