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# PUBLIC NOTICE

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**DA 98-294**

**Released: February 13, 1998**

**IOWA TELECOMMUNICATIONS AND TECHNOLOGY COMMISSION SEEKS  
DETERMINATION THAT THE IOWA COMMUNICATIONS NETWORK IS A  
PROVIDER OF TELECOMMUNICATIONS SERVICES TO SCHOOLS, LIBRARIES,  
AND RURAL HEALTH CARE PROVIDERS**

**CC Docket No. 96-45  
AAD/USB File No. 98-37**

**Comment Date: March 4, 1998**

**Reply Comment Date: March 16, 1998**

On May 8, 1997, the Federal Communications Commission ("Commission") released an order stating that the definition of "telecommunications service" is intended to encompass only telecommunications provided on a common carrier basis.<sup>1</sup> The Commission concluded, therefore, that, pursuant to section 254 of the Communications Act of 1934, as amended, only telecommunications carriers may receive support for providing schools and libraries with telecommunications services.<sup>2</sup>

On December 30, 1997, the Commission released an order on reconsideration in which it concluded that state telecommunications networks do not meet the definition of "telecommunications carrier" because they do not offer telecommunications on a common carrier basis.<sup>3</sup> State telecommunications networks may not, therefore, receive direct reimbursement from the universal service administrator for the provision of telecommunications services to eligible schools and libraries, but may instead obtain and pass through discounts on behalf of schools and libraries.<sup>4</sup>

<sup>1</sup> Federal-State Joint Board on Universal Service, CC Docket No. 96-45, *Report and Order*, 12 FCC Rcd at 9177-78, para. 785 (released May 8, 1997) (Universal Service Order).

<sup>2</sup> Universal Service Order, 12 FCC Rcd at 9084-85, para. 589. *See also* 47 U.S.C. § 254.

<sup>3</sup> Federal-State Joint Board on Universal Service, CC Docket No. 96-45, *Fourth Order on Reconsideration*, FCC 97-420, at para. 187 (released December 30, 1997) (Fourth Order on Reconsideration).

<sup>4</sup> Fourth Order on Reconsideration, FCC 97-420, at paras. 187-89.

On February 4, 1998, the Iowa Telecommunications and Technology Commission, which operates the Iowa Communications Network (collectively, the "ICN") filed a letter asking the Commission to determine that ICN is eligible under section 254 of the Communications Act, as well as under the Commission's rules, to receive direct reimbursement from the universal service administrator as a provider of telecommunications services to schools, libraries, and rural health care providers.<sup>5</sup> ICN seeks expedited consideration of this request because of the need for Iowa beneficiaries to determine within the 75-day initial filing window whether the services provided by ICN are eligible for support.<sup>6</sup> Parties wishing to comment on this petition are directed to file comments on or before **March 4, 1998**, to file reply comments on or before **March 16, 1998**, and to follow the procedures set forth below.

*Filing Requirements.* All filings should reference: Iowa Telecommunications and Technology Commission Petition for Waiver, CC Docket No. 96-45, AAD/USB File No. 98-37. All interested parties should include the name of the filing party and the date of the filing on each page of their comments and reply comments. Parties should include a table of contents in all documents regardless of length and should indicate whether they are filing an electronic copy of a submission via the Internet or via diskette. Pleadings must comply with Commission rules.<sup>7</sup> One original and five copies of all comments and reply comments must be sent to Magalie Roman Salas, Secretary, Federal Communications Commission, 1919 M Street, N.W., Washington, D.C. 20554. Three copies also should be sent to Sheryl Todd, Universal Service Branch, Accounting and Audits Division, Common Carrier Bureau, 2100 M Street, N.W., 8th Floor, Washington, D.C. 20554. Copies of documents filed with the Commission may be obtained from the International Transcription Service, 1231 20th Street, N.W., Washington, D.C. 20037, (202) 857-3800. Such documents are also available for review and copying at the FCC Reference Center, Room 239, 1919 M Street, N.W., Washington, D.C., from 9:00 a.m. to 4:30 p.m.

Parties may also file informal comments or an exact copy of formal comments electronically via the Internet at: <<http://www.fcc.gov/e-file/ecfs.html>>. Only one copy of an electronic submission must be submitted. A party must note whether an electronic submission is an exact copy of formal comments on the subject line and should note in its paper submission that an electronic copy of its comments is being submitted via the Internet. A commenter also must include its full name and Postal Service mailing address in its submission. Parties not submitting an exact copy of their formal comments via the Internet are also asked to submit their comments on diskette. Parties submitting diskettes should submit them to Sheryl Todd, Universal Service Branch, 2100 M Street, N.W., Room 8606, Washington, D.C. 20554. Such a submission should be on a 3.5 inch diskette formatted in an

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<sup>5</sup> Letter from J.G.Harrington, Counsel for the Iowa Telecommunications and Technology Commission to Magalie Roman Salas, Secretary of the FCC, dated February 4, 1998 (Iowa Letter), at 1.

<sup>6</sup> Iowa Letter at 1. The 75 day initial filing window opened at 5:00 a.m. on January 30, 1998 and will close at 11:59 p.m. on April 14, 1998. See Schools and Libraries Corporation Announces Opening of Website, *Public Notice*, DA 98-129 (released January 26, 1998).

<sup>7</sup> See, e.g., 47 C.F.R. §§ 1.49, 1.415, 1.419.

IBM compatible format using WordPerfect 5.1 for Windows or compatible software. The diskette should be accompanied by a cover letter and should be submitted in "read only" mode. The diskette should be clearly labelled with the party's name, proceeding, type of pleading (comment or reply comment), date of submission, and the name of the electronic file on the diskette. Each diskette should contain only one party's pleadings, preferably in a single electronic file. Electronic submissions are in addition to and not a substitute for the formal filing requirements addressed above.

*Ex parte contact.* Filing of this petition initiates a permit-but-disclose proceeding under the Commission's rules.<sup>8</sup>

For further information on this Public Notice, contact Irene Flannery or Sheryl Todd, Universal Service Branch, Accounting and Audits Division, Common Carrier Bureau at (202) 418-7400.

-- Action by Chief, Accounting and Audits Division --

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<sup>8</sup> See 47 C.F.R. § 1.1206.