

Before the
FEDERAL COMMUNICATIONS COMMISSION **RECEIVED**
Washington, D.C. 20554

MAY 6 1999

In the Matter of)

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Objection and Request For
Public Inspection of
Year Two Funding Application
filed by
Integrated Systems and
Internet Solutions, Inc.

DOCKET FILE COPY ORIGINAL

) CC Docket No. 96-45
)
) Applicant ID No. 145698
)
)
) Universal Service
) Control No. 218930000130961

**OPPOSITION OF
EDUCATION NETWORKS OF AMERICA**

Education Networks of America ("ENA"), by its attorneys and pursuant to Section 1.45 of the Commission's Rules,¹ respectfully submits this Opposition to the above-captioned Objection filed by Integrated Systems and Internet Solutions, Inc. ("ISIS 2000").²

Without affording the Administrator of the Schools and Libraries Division an opportunity to act on the State of Tennessee's Year Two application, ISIS 2000 once again seeks to obfuscate the relevant issues in alleging that the State's application is ineligible for funding. Specifically, ISIS 2000 opposes the State's application to receive Year Two universal service funding for Internet access service and requests that the application be made publicly available for review. To this end, ISIS 2000 alleges that

¹ 47 C.F.R. § 1.45.

² ISIS 2000 Objection and Request For Public Inspection of Year Two Funding Application, CC Docket 96-45 (filed Apr. 26, 1999) ("ISIS 2000 Objection").

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the State failed to comply with the Commission's universal service competitive bidding rules and therefore the State's application is "subject to denial for the same reasons that compelled the SLD to deny the [State's] prior application."³

While ISIS 2000 is correct in its assumption that the State's request is based upon its contract with ENA, it continues to distort the facts and the law. First, as the State of Tennessee and ENA have demonstrated in responding to ISIS 2000's identical allegations regarding the State's Year One application, the State's procurement complied with all relevant Commission rules. In these filings, the State has exhaustively documented the process it used to obtain and evaluate competitive bids based upon the factors of cost, technical approach, bidder experience, and bidder qualifications. The integrity of this procurement process and the superiority of ENA's proposal were upheld by the relevant state contract appeal authorities, which determined that ISIS 2000's protest of the award to ENA was without merit. Moreover, ISIS 2000 fails to mention that, in reviewing the State's prior application, the Administrator of the Schools and Libraries Division confirmed that applicable state and local processes were followed and upheld the State's finding that ENA offered the most cost-effective bid.

Second, there is no basis for ISIS 2000's suggestion that the Internet access service offered to the State of Tennessee is not an eligible service. ENA is providing to the State nothing more than "end-to-end" Internet access service using dedicated bandwidth to connect schools to ENA's and its subcontractors' Internet Service Provider network. The service allows students and teachers to access important educational

³ ISIS 2000 Objection at 3.

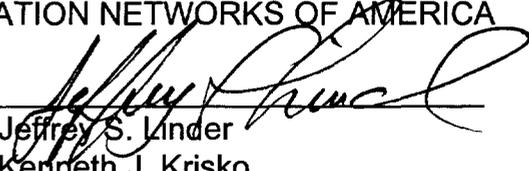
sites on the World Wide Web and to deliver/receive secure e-mail. As such, ENA's offering is precisely the sort of basic Internet access service covered by the Commission's rules.

ISIS 2000's filing is yet another attempt by a disgruntled bidder to deprive Tennessee public school children of the benefits of high quality and cost-effective Internet access as contemplated by the Congress's and the Commission's stated goal of the Schools and Libraries program. Accordingly, for the same reasons ENA provided in connection with the State's Year One application, ISIS 2000's Objection should be denied.

Respectfully submitted,

EDUCATION NETWORKS OF AMERICA

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CERTIFICATE OF SERVICE

I hereby certify that the foregoing Opposition of Education Networks of America was served today, the 6th day of May, 1999, by first class mail, postage pre-paid on the following parties:

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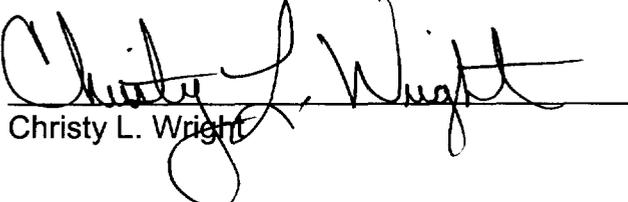
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