

Before the=20
Federal Communications Commission
Washington DC 20554

In the Matter of

Comments on)) =20
Request for Review of the))
Decision of the))
Universal Service Administrator by))
Copan Public Schools)) File No. SLD-26231
Copan, Oklahoma))
Federal-State Joint Board on)) CC Docket No. 96-45
Universal Service))
Changes to the Board of Directors of the)) CC Docket No. 97-21
National Exchange Carrier Association, Inc.))

GREG WEISIGER=92S COMMENTS ON ADMINISTRATOR=92S=20
PETITION FOR CLARIFICATION AND/OR RECONSIDERATION

Greg Weisiger, on behalf of myself, submit these comments on the=20
Universal Service Administrative Company=92s (USAC) Petition for Clarificati=
on=20
and/or Reconsideration of the Federal Communications Commission (FCC) Order=20
on Copan Public Schools=92 appeal of the Administrator=92s decision.=20

I applaud the Copan decision as a major breakthrough for the Universal=20
Service (E-Rate) program applicants. This decision significantly eases=20
restrictive regulatory burdens applicants have endured the first two years o=
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this program, and introduces much needed flexibility into the process.=20
Ultimately, I believe this decision will lead to greater competition, lower=20
prices for services, and increased participation by schools and libraries,=20
all without undue hardship to the Administrator.

USAC PETITION

In its Petition, USAC seeks clarification on five points of the Copan=20
Order: Clarification of the Commission=92s Intent, Applicability to Tariff a=
nd=20
Month-to-Month Services, Retroactivity, Additional Form 470, and Eligibility=
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of Service Changes. With the exception of the retroactivity issue, I wish to=
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comment on each issue raised by USAC.=20

With regard to Clarification of the Commission=92s Intent, USAC points o=
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that the Copan Order when a SPIN change is requested, the new service=20
provider will not receive funding in excess of the amount requested on the=20
applicant=92s Form 471. USAC contends that this aspect of the Order will be=20
difficult to administer because of numerous factors that may cause the=20
funding request to be reduced or denied. The examples USAC cites are=20
inclusion of ineligible items, incorrect discount percentage applied,=20
mathematical error, and invalid contract. USAC requests that the FCC confirm=
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that Copan applies to post commitment requests only. I ask that the FCC=20

reject this notion and allow SPIN changes both pre and post commitment using the amount requested by the applicant as the basis for funding. Administrative burden should not be the issue here as the program itself imposes significant burdens and expense on service providers, applicants, state Boards of Education and Library Boards. Increased Administrative burden on USAC that ensures schools and libraries receive discounted service, for which the program was established, with less hardship on them is acceptable. It would appear that the Administrator must re-evaluate SPIN change requests for program integrity compliance whether they are pre or post commitment because new service providers will presumably offer innovative ways of providing the same service, which may change the mix of eligible/ineligible components. In the case of Telecommunications service, the Administrator must also confirm that the new service provider is a common carrier. Additionally, current policy permits pre-commitment SPIN changes. I believe the Administrator's argument is moot

I also urge the FCC to reject the Administrator's inference that SPIN changes should only be allowed for contracted service. In the Copan Order at 8, 9, and 10, there is no mention of contract, rather service and service providers, clearly indicating that SPIN changes should be all inclusive. Again, the Administrator argues that a narrow interpretation would be simpler for them. Again I ask the FCC to reject this argument.

The Administrator seeks clarification on the Form 470 issue when applicants request multi-year SPIN changes. FCC regulations require that a Form 470 be posted for four weeks before a contract may be signed. A substitute contract for services posted on a Form 470 for four weeks meets Commission requirements. Applicants should be allowed to sign multi-year contracts with new vendors and cite simply cite the 470 posted for the original contract.

Finally, the Administrator asks that they not change their policy on service changes. I ask the FCC to allow changes in services and products to suit applicant needs as we cannot anticipate the variety of factual circumstances in which it may be reasonable to select a substitute service provider... (FCC at 10).

In conclusion, applicants should be given the opportunity to change service providers as they see fit to best serve their needs. A prime example is statewide contracts. States negotiate contracts throughout the year that afford schools and libraries cost savings and enhanced service. The ability to receive discounts on contracts signed near the end of, or beyond Form 471 filing windows will allow applicants to realize cost savings and service upgrades in a timely manner. Also, if an applicant discovers their vendor of choice is charged with defrauding the program, or is ineligible for discounts before a funding commitment is made, the applicant may change providers and potentially receive funding. Once a denial of funding has been made by the Administrator, the applicant's only recourse is to appeal the decision for

the original service provider, and likely receive no funding at all.=20
I ask that the FCC maintain a broad interpretation of the Copan Order.

Respectfully Submitted,

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I certify a copy of this filing has been transmitted electronically to=20
General Counsel for USAC

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