

Dear FCC

I am an administrator for a network of libraries (Bibliomation) that has received USF E-Rate discounts over the first three years of the project. I do not understand how the proposed regulations for FCC CIPA certification would apply in a consortium situation.

First of all, would not the proposed certification language have to read: "I certify that all recipients covered by this application comply with all relevant provisions of the Children's Internet Protection Act"? As the "Billed Entity" Bibliomation is responsible for all USF Applications even though a percentage of the cost is for circuits installed at individual member library sites. This raises two questions:

1) What are the legal responsibilities of the applicant (Billed Entity) when a number of individual and independent administrative entities cooperate in a system of shared services? The Lead Member of a consortium must take responsibility for ensuring that technology plans are properly prepared and approved by appropriate authorities. (SLD Guidelines). Does it follow then, that the Lead Member of a consortium will have the same level of responsibility when it comes to complying with this act?

2) What type of documentation should a network administrator ask for before certifying that all participants in a shared service are in compliance with the Act?

The questions above apply when all members of a given consortium are, or claim to be, in compliance with the CIPA. What happens when that is not the case?

1) When libraries share a service, must all of the participating libraries comply with the provisions of the CIPA? If some libraries refuse to comply, are the libraries in compliance denied E-Rate funding because they share services with those that do not?

2) I have already been informed by several of our member libraries that they will not comply with the CIPA and will forego the associated E-Rate discounts. Since these libraries were included in our 471 application, does this mean that they must now be excluded? If so how would I indicate which libraries intended to comply, and which did not? There is no provision to do so on the 486 form that is the recommended vehicle for CIPA certification. If libraries that were eligible for E-Rate discounts when the 471 was filed become ineligible due to failure to comply with CIPA, doesn't that mean that the discount and the discount rate itself will need to be recalculated? Doesn't this, in turn, the filing of an amended 471 form?

As an administrator I feel that there are a number of policy issues raised by this act that affect shared networks that have not yet been addressed, let alone resolved. I'm not sure it is possible to determine the method of certification until these issues have been dealt with.

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