

**Before the  
Federal Communications Commission  
Washington, D.C.**

**In the Matter of:**

Request for Review of a Decision by the ) Schools and Libraries Division of the ) Universal Service Administrative Company ) for Craig County Public Schools, Virginia )	Funding Commitment Letter Dated May 29, 2002
Federal-State Joint Board on Universal ) Service )	CC Docket No. 96-45
Changes to the Board of Directors of the ) National Exchange Carrier Association )	CC Docket No. 97-21

Request for Review of Schools and Libraries Decision

Craig County Public Schools  
Entity Number: 126582  
Form 471 Application number 241515  
Funding Request Numbers 574283, 574100, 574122, 574171, 574243, 574255

Craig County Public Schools requests Federal Communications Commission review of a decision by the Schools and Libraries Division changing the start date of E-Rate discounted services for program Year Four from July 1, 2001, to May 1, 2002. We ask the Commission to consider the funding requests as timely filed for compliance with Children's Internet Protection Act (CIPA) regulations adopted by the Commission. In the alternative and for reasons stated herein, we ask that CIPA compliance regulations be waived for these Funding Request Numbers in the public interest.

**Background**

Craig County applied for Year Four E-Rate discounts on behalf of all county public schools and the school division administrative building during the Year Four filing window (attachments 1a, 1b and 1c). We received a Funding Commitment letters from the Schools and Libraries Division (SLD) dated July 23, 2001 (2) and August 7, 2001, confirming discounts of 60 percent for telecommunications services and Internet access. We filed three Forms 486 (attachments 2, 3 and 4) on September 26, 2001 with the SLD, confirming we were receiving discounted services and that we were in compliance with new Children's Internet Protection Act (CIPA) regulations. The Form 486 was filed prior to the October 28, 2001 deadline for certifying compliance with CIPA regulations. Unfortunately, we inadvertently failed to include several Funding Request Numbers on our initial Form 486 filing and submitted a subsequent Form 486 covering those numbers, which was postmarked on May 1, 2002 (attachment 5).

In a letter dated May 29, 2002, the SLD reduced our Year Four funding for those Funding Requests by changing the start date of our services from July 1, 2001 to May 1, 2002.

For the reasons stated below, we ask that our service start date and E-Rate funding be restored to July 1, 2001.

#### Discussion

The Children's Internet Protection Act was established to protect children from inappropriate material on the Internet. The law requires E-Rate discount funding recipients to certify compliance with CIPA provisions. The FCC is charged with regulating the E-Rate program and issued CIPA compliance regulations on April 5, 2001 (FCC 01-120). Language in FCC regulations appears to indicate that CIPA compliance should be at the Funding Request Number level. However, language in the Act itself, which amended section 254(h)(5)(E)(ii) of the Telecommunications Act reads:

“(I) Schools with internet safety policy and technology protection measures in place.--A school covered by clause (i) that has in place an Internet safety policy and technology protection measures meeting the requirements necessary for certification under subparagraphs (B) and (C) shall certify its compliance with subparagraphs (B) and (C) during each annual program application cycle under this subsection, except that with respect to the first program funding year after the effective date of this paragraph under section 1721(h) of the Children's Internet Protection Act, the certifications shall be made not later than 120 days after the beginning of such first program funding year.

Language in this section and all other sections of the Act indicate that compliance with CIPA is at the school level and not the Funding Request level.

With submission of the first Forms 486, Craig County certified compliance for all schools under our jurisdiction within the compliance period of the program year. Because we had certified CIPA compliance for all of our schools within the 120 day window for funding Year Four, all other funding requests covering those same schools should be considered in compliance, regardless of when the Form 486 was filed.

With submission of our Form 486 labeled “2001 Internet” dated September 25, 2001, and included here as Attachment 3, we certified that all schools covered under funding

request numbers 572778, 572789, and 572812 were in compliance with CIPA regulations, as we checked Box 11 (a) on the form. Examination of the associated Form 471, Block 5, item 22, Discount Calculation Worksheet (Attachment 1), indicates that the above Funding Request Numbers listed on our "2001 Internet" Form 486 included all schools in Craig County. Because this Form 486 was timely filed in accordance with CIPA regulations, all Craig County schools had certified CIPA compliance with SLD prior to October 28, 2001.

Only through a clerical oversight were the Funding Request Numbers listed in this Application for Review not included in the initial Form 486 filings. When we discovered the error, we immediately filed a third Form 486, and mailed on May 1, 2002. The SLD subsequently adjusted the discount start date of these Funding Request Numbers, even though all schools receiving services under those Funding Request Numbers were already in compliance with CIPA regulations.

We further believe the intent of Congress was for schools to protect children from inappropriate Internet material by establishing Internet Safety Policies, by installing filtering equipment, and by certifying to that effect. Clearly, we adhered to both the spirit and letter of the law.

We believe that FCC regulations and SLD policy incorrectly place the CIPA compliance burden at the Funding Request level, rather than the school or school division level. Once certification from a school or the school's administrative authority has been tendered within the required period, that school should be considered compliant with the Act for all subsequent E-Rate funding requests during that year.

#### Conclusion

We ask the Commission to grant our request to restore funding to July 1, 2001 for the Funding Request Numbers here under consideration in light of the fact that the associated schools did timely comply with CIPA. We ask that the Commission direct the SLD to process the Funding Requests under review as being filed before the October 28, 2001 deadline. We ask that this be done in service of the public interest.

Respectfully submitted on this 21st day of July, 2002,

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