

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

In the Matter of)	
)	
Schools and Libraries Universal Service)	CC Docket No. 02-6
Support Mechanism)	
)	
)	

Comments of the School Board of Miami-Dade County, Florida

The School Board of Miami-Dade County (“MDCPS”)¹ by its counsel hereby submits these comments in response to Public Notice DA 05-513, (Wireline Competition Bur. rel. March 1, 2005) regarding proposed revisions to FCC Forms 472, 473 and 474.

In evaluating proposed changes in the FCC forms, it must be noted that the interests of the Service Providers and the Applicants are opposing and Applicants are not the only beneficiaries of the E-rate program. Service Providers receive great benefit from their participation in the E-rate program, as they are the only recipients of payments from the Schools and Libraries Division (“SLD”). Therefore, anytime a Service Provider is the subject of a Commitment Adjustment Letter from the SLD, the Service Provider has an interest in shifting their culpability to the third party school or library. By adding minor procedural safeguards, both

¹ The Miami-Dade County Public Schools serve approximately 338,400 students in 340 schools employing 47,000 full and part time personnel. MDCPS has been an active participant in the E-rate program since the program’s inception and continues to rely on E-rate funding for critical telecommunications services for our students.

the schools and libraries on one hand and the SLD on the other, will be able to eliminate opportunities for waste, fraud and abuse by service providers.

MDCPS takes no issue with any of the proposed changes to FCC Forms 472 or 473. However, with respect to FCC Form 474, MDCPS has repeatedly brought to the attention of the SLD and continues to believe that additional safeguards must be implemented on this form in order to prevent waste, fraud and abuse within the program. MDCPS believes that the FCC should eliminate the Form 474 entirely and require the exclusive use of the FCC Form 472 for any reimbursements from the SLD. Alternatively, the Commission should consider adding the following changes to the FCC Form 474 in order to protect the integrity of the E-rate program.

First, Block 2 must be modified to include an itemized breakdown of the specific goods or services delivered to the school. Merely listing the corresponding FCC Form 471 and Funding Request Numbers (“FRN”) is insufficient to guarantee that the goods or services were provided. Furthermore, the FCC Form 474 should be modified to include the amount paid by the Billed Entity for its corresponding percentage of responsibility. This will prevent the Service Provider from billing the entire approved amount when only a portion of that amount is actually consumed. Throughout the history of the E-rate program, there have been accounts of Service Providers over-billing USAC under FRNs that have either been partially used or not used at all.² The Commission can additionally minimize the risks of waste, fraud and abuse by adopting and implementing an applicant certification section whereby the applicant would identify the goods

² See Schools and Libraries Program: Application and Invoice Review Procedures Need Strengthening (GAO-01-105, Dec. 15, 2000).

or services purchased, the amount billed and that the goods or services were actually received by the applicant and are operational. Absent a means to verify the amount being billed to the SLD by the Service Provider, the Billed Entity has no way of preventing the Service Provider from initially over-billing the SLD. By implementing a dual certification similar to those in the FCC Form 472, the SLD would greatly reduce the risk of waste fraud and abuse within the E-rate program.

While MDCPS emphatically applauds the Commission for taking the steps to safeguard the E-rate program from waste, fraud and abuse, MDCPS urges the Commission to also focus on the procedures the SLD must take when accusations of waste, fraud and abuse arise. Specifically, what steps should the SLD take when there are such accusations within the program and what procedural safeguards should the SLD implement to ensure that all parties involved are afforded adequate procedural due process? MDCPS urges the Commission to include within the instructions to the FCC Form 474 the procedures that must be followed during any appeal to guarantee affected parties adequate procedural due process. Although the Commission's rules do set forth due process safeguards, experience has shown that these are ignored by the SLD.³ In the event that there are questions of accuracy of information submitted on SLD forms, the instructions on the forms must contain a complete explanation of the Commission's procedures so that both the Service Providers and Billed Entities are made fully aware of their due process rights.

³ See 47 C.F.R. § 54.721(d).

Finally, MDCPS emphatically requests that any proposed changes to the FCC forms that require a Billed Entity to include information also require that the vendor additionally must provide the SLD with the same information. MDCPS believes that applicants and vendors must be afforded the same treatment before the SLD.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Daniel J. Margolfs", written over a horizontal line.

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March 22, 2005

CERTIFICATE OF SERVICE

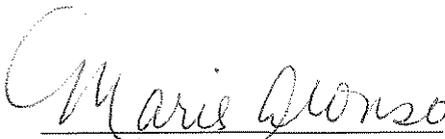
I, Maria I. Alonso, hereby certify that I have this 22nd day of March, 2005, caused a copy of the foregoing "Comments of the School Board of Miami-Dade County Florida" to be delivered via electronic mail to the following:

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