

BEFORE THE
Federal Communications Commission
WASHINGTON, D.C. 20554

In the Matter of)	
)	
Draft Eligible Services List for)	
Schools and Libraries Universal Service)	CC Docket No. 02-6
Support Mechanism)	
)	

REPLY COMMENTS OF NOTIFICATION TECHNOLOGIES, INC.

Notification Technologies, Inc. (“NTI”), by its attorneys, hereby submits reply comments in response to the Commission’s August 15, 2004 “Public Notice” (FCC 05-158) soliciting comment on the Universal Service Administrative Company’s draft list of eligible services under the schools and libraries program. In comments filed in connection with last year’s eligible services update proceeding, NTI requested that the Commission clarify that a “one-to-many” telephone message distribution service, such as the NTI Connect-ED™ educational telephone notification service, is an eligible service within one or more of the categories identified in the eligible services list or, in the alternative, that the Commission commence a rulemaking proceeding to make such changes in its rules as are necessary to designate such one-to-many educational telephone message distribution services as eligible for support under the schools and libraries support mechanism. Because the Commission did not act on either of these requests, NTI is renewing them in these reply comments.

BACKGROUND

NTI is a privately-held company headquartered in Los Angeles, California that offers K-12 schools a one-to-many telephone message distribution service known as “Connect-ED.” Using the NTI Connect-ED service, school administrators are able to deliver recorded voice messages to parents, students, faculty, and/or other staff in a matter of minutes. Currently, over 4700 schools and districts are using the NTI Connect-ED platform as an emergency communications, attendance notification, and community outreach solution.¹

NTI’s educational telephone notification service enables schools to use the public switched telephone network and Internet as an interactive message distribution platform. This platform gives schools a far more rapid and efficient mechanism for communicating with parents, students, faculty or staff than e-mail or traditional phone trees and speed-dialing services. For example, schools using the NTI Connect-ED system can deliver a voice message to tens of thousands of parents and staff in minutes. NTI also is able to send these voice messages to recipients via e-mail as “.wav” files.

To make use of a one-to-many telephone message distribution system such as the NTI Connect-Ed educational telephone notification system, a school administrator calls a toll-free number and records an outgoing voice message. The administrator then accesses a secure website maintained by the service provider (or, in an emergency where Internet access is not available, connects with the system via a toll-free number) and selects the message recipients and schedules the time and date for delivery of the message to up to six phone numbers per recipient. Once the message is delivered, the service promptly

¹ Additional information regarding the NTI Connect-ED service can be found at <http://www.notification.com>.

provides detailed feedback to the school via e-mail, identifying whether a message was received “live” or by an answering machine and allowing schools to resend “undelivered” messages and update contact lists to correct “bad” numbers. Password-protected on-line accounts also allow users to access detailed information such as reports that indicate recipient receptiveness by indicating the length of time recipients spend listening to messages.

Schools using an educational telephone notification service such as the NTI Connect-ED system do not have to invest in or install any new hardware, software, or phone lines. The list of contact numbers is stored on servers maintained by the service provider and schools can easily import entire datasets and contact lists through highly secured systems. This type of service also can allow schools to tailor outgoing message delivery to students by grade or other grouping, or send messages to specific constituencies such as faculty or support staff.

Illustrations of how schools are using educational telephone notification services such as the NTI Connect-ED system include the following:

Emergency Communication. If an emergency situation arises, an educational telephone notification system service can make it possible for school officials to notify parents and staff within minutes and to provide reassurance and updated information until the situation is resolved. For example, the principal of a California elementary school utilized the NTI Connect-ED to distribute an emergency notification to the school’s entire database of parents and staff about a missing third-grader who failed to meet his parents after school at the appointed time and place. Within minutes of receiving the message, search teams were

organizing and within an hour the student was found and safely reunited with his parents.

Attendance Notification. Daily attendance monitoring is an important but time-consuming task for school officials. Utilizing a one-to-many educational telephone message distribution service, a school can automatically download daily attendance information and deliver a recorded message to the parents of absent children early in the day, using daily reports taken from the school's own attendance system. As with any type of message, these attendance notification calls can be placed in multiple languages to better serve the needs of more diverse school communities. A number of school districts using the NTI Connect-ED system as an attendance notification communication tool have reported reductions in truancy.

Community Outreach. Communications between schools and parents are essential to getting parents motivated and involved in their children's education. A one-to-many telephone message distribution service can provide the cornerstone to a school's overall communications plan. It can enable school administrators to inform parents about upcoming events, test days, or district issues; give notice of last minute schedule changes; and substitute reliable voice messaging for "backpack stuffers" and direct mailings. One school district used the NTI Connect-ED educational telephone notification system to urge parents to participate in an annual survey conducted by an independent research firm as part of the district's assessment and planning program. The result was a higher level of responsiveness than in the past. Additionally, users have the ability to ask

parents and staff questions, allowing them to gather feedback from recipients, such as whether or not they will attend a particular school event or how they feel about a change to the dress code policy.

DISCUSSION

NTI submits that the draft eligible services list should be amended to clarify that one-to-many telephone message distribution services such as the NTI Connect-ED educational telephone notification system qualify for support under the schools and libraries mechanism (as a form of custom calling service, or homework hotline service, or voice mail service). Such a clarification would be consistent with the relevant statutory provisions and policy and with previous Commission decisions.

Specifically, sections 254(c)(3) and 254(h)(1)(B) of the Communications Act provide the Commission with broad authority to include “additional services” within the schools and libraries program. In implementing these statutory provisions, the Commission concluded that because the technology needs of the participants in the schools and libraries program are “complex and unique,” each participant “should have maximum flexibility to purchase the package of services they believe will most effectively meet their communications needs.”² Moreover, the Commission also has created a presumption that “reasonable requests for any supported service – over any

² *Report and Order*, Federal-State Board on Universal Service, CC Docket 96-45, 12 FCC Rcd 8776, 9002, 9076 (1997). *See also Second Report and Order and Further Notice of Proposed Rulemaking*, CC Docket No. 02-6, 18 FCC Rcd 9202, 9207-08 (2003).

technology platform – to be used by any school...while on school...property, shall be eligible for discounts.”³

Given these determinations, it is well within the Commission’s authority to clarify that a one-to-many telephone message platform is an eligible service. Such clarification does not require the Commission to determine whether a telecommunications carrier is providing the service or to specifically categorize the service as a telecommunications service or information service. Rather, the Commission can, and should, take a flexible approach, as it has with its treatment of voice mail.

In the case of voice mail, the Commission found that it enhances access to information services for schools by “allowing meaningful communication among parents, teachers, and school...administrators” and, as such, was “integral” to such communications.⁴ More importantly, the Commission’s decision to recognize voice mail as an eligible service reflected in no small part its conclusion that voice mail is “functionally equivalent” to e-mail.⁵

One-to-many telephone message distribution platforms, when used by schools for community outreach, emergency notification, and attendance notification also are “integral” to the educational purposes underlying the schools and libraries program. In

³ *Id.* at 9207. Typically, school officials using a service such as the NTI Connect-ED system will record and schedule the delivery of messages from their offices on school property during regular school hours. As described, however, the system also allows school officials to record and schedule messages from remote locations. Such remote use of the system plainly falls within the Commission’s finding that offsite uses of a service could be sufficiently “integral, immediate, and proximate to the education of students” to satisfy the requirement that the use be for an educational purpose. *Id.* at 9208.

⁴ *Id.* at 9212.

⁵ *Id.*

fact, Congress has repeatedly recognized that improving communications between and among educators, students and parents is critical to the success of the educational mission. Legislation such as the Enhancing Education Through Technology Act and the No Child Left Behind Act specifically focus on the importance of “using technology to promote parent and family involvement in education and communication among students, parents, teachers, principals, and administrators.”⁶

Moreover, one-to-many telephone message distribution services are “functionally equivalent” to e-mail. In fact, because such platforms utilize the ubiquitous phone network, they are superior to e-mail in terms of facilitating communications by and among educators, parents, and students.⁷ They also are comparable to (and potential substitutes for) a variety of other eligible services, particularly homework hotline services and custom calling features, such as speed dialing. Consequently, the Commission should clarify that one-to-many telephone message services – which do not require schools to install new telecommunications equipment or software – fall within these existing categories of eligible services.

NTI’s request that the eligible services list be amended to cover one-to-many telephone message services is consistent with the theme of several of the comments received in the instant proceeding. For example, Citrix, Synovia, and Cisco have all

⁶ 20 U.S.C. § 2402(a)(8) (goals of the Enhancing Education Through Technology Act); *see also* Section 1118 of the No Child Left Behind Act, *codified* at 20 U.S.C. § 6318 (emphasizing role of communications in enhancing parental involvement in education).

⁷ While the number of households with Internet service is increasing rapidly, it almost certainly continues to lag behind telephone penetration. Moreover, in light of the near ubiquity of cellular service, it is far more likely that school officials will be able to reach parents who are not at home or at work if they use a one-to-many telephone messaging service rather than e-mail.

asked for modifications to the eligible services list for products that enhance communications, particularly emergency communications, between and among educators, staff, students, and parents. As these comments point out, expansion of the eligible services list can provide major cost savings where new tools are available that are functionally equivalent, or superior, to services that already are covered.

Thus, just as use of the network access software described by Citrix provides the same or improved functionalities as the local installation of routers, hubs, and other equipment, so too does use of a one-to-many telephone message service offer improvements over various services currently deemed eligible under the schools and libraries program.⁸ A service such as the NTI Connect-ED educational telephone notification system provides schools with a hardware-based solution without having to install additional phone lines, servers, and other equipment at each school location. The result is a less costly, more reliable form of one-to-many messaging capability than would be provided using technologies currently covered by the schools and libraries program.

CONCLUSION

On the basis of the foregoing, NTI requests that the draft list of eligible services appended to the Commission's August 15, 2005 Public Notice be revised to clarify that

⁸ In its comments, Synovia seeks inclusion of "Automatic Vehicle Location" service within the eligible services list, noting that communication between schools and school bus drivers is "integral, immediate, and proximate to the education of students." This is an apt description of one-to-many educational telephone notification systems as well. Indeed, use of such a system could allow school administrators to contact, virtually simultaneously and instantly, all bus drivers via their existing cell phones, without the need for the installation of new, two-way communications hardware in buses.

one or more existing categories of eligible service encompass one-to-many telephone message distribution services. If the Commission concludes that the requested clarification exceeds the scope of the instant proceeding, NTI requests that it issue a notice of proposed rulemaking to consider adopting such amendments to Part 54 of Title 47 of the Code of Federal Regulations as are necessary to designate and recognize one-to-many telephone message distribution platforms as eligible services under the schools and libraries program.

Respectfully submitted,

NOTIFICATION TECHNOLOGIES, INC.

By:



Seth A. Davidson

FLEISCHMAN AND WALSH, L.L.P.
1919 Pennsylvania Ave, N.W., Suite 600
Washington, D.C. 20006
202/939-7900

Its Attorneys

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