

**Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554**

In the Matter of	)	
	)	
Petition of the states of Louisiana and	)	CC Docket No. 96-45
Mississippi for further waiver of the	)	CC Docket No. 02-6
Commission’s rules to extend relief to	)	WC Docket No. 02-60
directly affected schools and libraries in	)	WC Docket No. 03-109
Louisiana and Mississippi	)	

**COMMENTS OF COX COMMUNICATIONS, INC.**

Cox Communications, Inc. (“Cox”), by its attorneys, submits these comments in response to the November 18, 2005 *Notice* in the above proceeding.<sup>1</sup> The *Notice* seeks comment on the November 1, 2005 joint petition filed by the states of Louisiana and Mississippi (“Petition”) requesting an extension of the filing window for Funding Year 2006 for schools and libraries in these states directly affected by Hurricane Katrina and a waiver of the 2-in-5 rule for such entities for Funding Year 2006.<sup>2</sup> The State of Louisiana also requests relief for those entities directly affected by Hurricane Rita.<sup>3</sup> For the reasons described below, Cox supports the Petition and asks the Commission to grant the states’ request for extension of the special filing window through September 30, 2006 and for waiver of the 2-in-5 rule for Funding Year 2006 for schools and libraries in Louisiana and Mississippi receiving internal connections commitments and directly affected by Hurricanes Katrina and Rita.<sup>4</sup>

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<sup>1</sup> Public Notice, “Wireline Competition Bureau Seeks Comment on Two Petitions for Further Waiver of Commission Rules to Extend Relief Provided in FCC 05-178 to Directly Affected Schools and Libraries in Louisiana, Mississippi, and Texas,” CC Docket Nos. 96-45 and 02-6, WC Docket Nos. 02-60 and 03-109, DA 05-3001 (rel. Nov. 18, 2005) (the “*Notice*”).

<sup>2</sup> *Id.*

<sup>3</sup> Letter to Chairman Kevin Martin from the Louisiana Governor’s office, CC Docket Nos. 96-45 and 02-6, WC Docket Nos. 02-60 and 03-109 (Nov. 1, 2005).

<sup>4</sup> Because Cox does not provide telephone service in those areas of Texas affected by Hurricane Rita, it does not address the issues raised as to Texas.

As the Petition demonstrates, Louisiana and Mississippi schools and libraries most in need of the Commission's relief will not be in a position by February or March 2006 to make appropriate funding requests for 2006. Cox supports the states' proposal to create a special filing window for 2006 for directly affected schools and libraries that will remain open until September 30, 2006 to allow these states adequate time to assess the storms' damage and evaluate reconstruction needs based upon returning population expectations. The Petition describes one area in Louisiana so heavily damaged that decisions have yet to be made as to whether 90 percent of the area's homes can even be made habitable. Additional time is necessary to realistically assess community needs in these areas, including funding for area schools and libraries.

As the largest facilities-based CLEC in the state and a major provider of high-speed internet and telecommunications services to the New Orleans, St. Bernard Parish and Jefferson Parish school systems, Cox has experienced the devastation from these storms in several Louisiana school districts first-hand. Cox provides telephone, Internet, data and video services via an optical fiber-based GIG-E network for all of St. Bernard Parish and Orleans Parish schools. Cox must rebuild the vast majority of its facilities serving the more than 150 schools in these areas, including the GIG-E network. Although Cox continues to work diligently with local relief efforts to assess the damage to its facilities and restore service in these heavily affected areas, months of effort still remain before service can be restored completely. Further, at this point local authorities are not sure which facilities need to be restored first or if they will need to have facilities installed at new locations, which further delays service restoration.

Finally, the states' proposal will benefit the communities most heavily damaged in these areas while avoiding waste at the Commission. Allowing for a longer filing window will allow school systems to gather more accurate information as to how many families and students will be able to return to the area and to avoid inaccurate estimates of their funding needs. Requiring

them to file by early 2006 would greatly increase the risk that schools either would not have sufficient services in place or would seek funding for services they ultimately will not need. The Commission should strive to avoid either result.

### **CONCLUSION**

For the foregoing reasons, the Commission should grant the Louisiana and Mississippi Petition and extend the special filing window until September 30, 2006 for directly affected schools and libraries in those states as well as waive the 2-in-5 rule for Funding Year 2006.

Respectfully submitted,

COX COMMUNICATIONS, INC.

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