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January 27, 2006

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Marlene H. Dortch
Office of the Secretary
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

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Re: Ex Parte Meeting in Docket No. 02-6, FCC 05-124 and ET Docket No. 04-295

Dear Ms. Dortch:

Pursuant to Sections 1.1200-1.1216 of Volume 47 of the Code of Federal Regulations, I am filing this notice of an ex parte oral presentation to Michelle Carey, Legal Advisor to Chairman Kevin Martin, on January 25, 2006. In addition to myself, attendees of that meeting included: Don Knezek and Hilary Goldmann of the International Society for Technology in Education (ISTE).

During the meeting, ISTE's representatives discussed the recent education associations' filing on CALEA, in which ISTE and the k12 Community requested that the FCC clarify ambiguous language in the Commission's most recent CALEA order that indicated that k12 schools were exempt from CALEA requirements. Specifically, ISTE and the k12 Community seek assurances that the order exempts k12 schools and, if it does not, requests such an exemption. Additionally, ISTE representatives noted that compliance with CALEA requirements would place significant financial, technical and labor strains on districts. Further, ISTE representatives stated that requiring k12 districts to comply with CALEA was unnecessary because districts stood ready to comply with and have already complied with individual requests from the government for network access to track potential criminal activity. Finally, ISTE representatives stated that there were vast differences between k12 school networks and k12 financial resources and the networks and resources of higher education institutions.

During the meeting, ISTE representatives also discussed five major issues raised in the recent Notice of Proposed Rulemaking that related directly to the E-Rate program.

First, ISTE representatives discussed the need that any new performance measures measure only connectivity and not educational milestones, since the E-Rate is a telecommunications program. Specifically, ISTE representatives expressed their belief that broadband speed and connectivity rates to the desktop would be the most useful measures for the program. Additionally, ISTE representatives stated that the current benchmark of classroom connectivity, which stands at 93%, provides a misleading impression that E-Rate has completed its mission.

Second, ISTE representatives opposed the proposal to transform the E-Rate into a formula grant program. They expressed significant concerns that any formula proposal would harm the ability of local districts to make decisions on technology, would reduce funding for rural areas (which the program was founded to assist), would potentially prevent parochial schools from participating, and would diffuse responsibility for policing waste, fraud and abuse. Additionally,

on the proposal that the E-Rate be expanded to fund other currently unsupported services, ISTE representatives expressed concern that the program was already straining to meet the high demand for currently supported services and feared taxing it further by supporting other services.

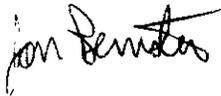
Third, ISTE representatives expressed support for the proposal to streamline the Priority 1 application process.

Fourth, ISTE representatives expressed support for proposals to more strictly scrutinize applicants who broke program rules in previous years. However, ISTE recommended that actual sanctions of those who repeatedly and knowingly violate program rules represent the best deterrent for waste, fraud and abuse. ISTE supports a sliding scale of penalties, based on the severity and number of offenses, which would apply to both applicants and vendors. The penalties would include discount matrix reductions for applicant violators and debarments for periods of time for vendor violators.

Fifth, ISTE representatives stated that it was important to maintain current levels of school and library representation on the USAC Board and argued for the need to have a district level educator, with deep experience with the E-Rate program, occupy a board seat. ISTE representatives also supported the concept of an experts panel, comprised of educators and librarians with real world experience with the E-Rate, to help guide Board decisions.

Thank you for your time and attention to this matter.

Sincerely,



Jon Bernstein
President
Bernstein Strategy Group

cc. Michelle Carey