

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

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

COMMENTS OF SPRINT NEXTEL CORPORATION

Sprint Nextel Corporation, pursuant to the Public Notice released on July 21, 2006 (FCC 06-109), respectfully submits its comments on the E-rate program's Eligible Services List (ESL) for funding year 2007. Sprint Nextel applauds the streamlining of the 2007 ESL, and recommends the following changes to further improve and clarify the draft list.

Data transmission service from school buses – In the *Second Report and Order* in this proceeding, the Commission found that in certain instances, “the use of telecommunications services offsite would also be integral, immediate and proximate to the education of students....”¹ Under this standard, “a school bus driver’s use of wireless telecommunications services while delivering children to and from school” is considered to be an educational purpose and thus eligible for E-rate funding.² This same reasoning applies with equal force to the use of data transmission services from school buses, and the draft ESL should accordingly be revised to reflect that this type of service is eligible under the Telecommunications Services category.

¹ *Schools and Libraries Universal Service Support Mechanism*, 18 FCC Rcd 9202, 9209 (para. 19) (2003).

² *Id.*, n. 28.

It has become increasingly feasible from an economic and technical standpoint to deploy wireless technology to “locations” beyond the school or library campus, such as on school buses. School districts are turning to such technology to help ensure student safety, monitor student attendance,³ and track school bus location⁴ -- capabilities which surely are “integral, immediate and proximate to the education of students.” Wireless data transmissions from the school bus can be transmitted over the same wireless network used to handle wireless voice communications from the bus. To the extent that a bus is being used for “educational purposes” (student transport to and from school, for field trips, for school-sponsored sporting events, etc.), wireless data transmission services from the bus should be E-rate eligible.

Internet access from portable devices – The draft ESL states (p. 11) that operation of wireless Internet access service from portable devices “outside of school or library grounds is not eligible.” This outright prohibition is excessive and conflicts with the principle adopted in the *Second Report and Order* (see n. 1 *supra*) that in some instances, use of telecommunications services offsite are “integral, immediate, and proximate to the education of students” and thus eligible for E-rate funding. The prohibition against offsite use should accordingly be stricken from the draft ESL. To the extent that an

³ A student would swipe his or her identification card (which would have an electronic identifier such as a bar code or RFID chip) as he enters and exits the bus (thus registering information on where and when a child gets on and off the school bus). The same system could be installed on school grounds (classroom doors) as part of the school LAN, to monitor student attendance. Because the No Child Left Behind law sets target student attendance rates for elementary and middle schools, maintaining accurate student attendance records is critical to demonstrating that a school is making adequate yearly progress.

⁴ Bus tracking enables the school to identify the precise location of each bus, facilitating re-routes necessitated by inclement weather or other emergencies; expediting deployment of replacement vehicles in the event of a break-down; and providing route history for bus management purposes (fuel, route and maintenance information).

eligible applicant can demonstrate that it has implemented an “auditable monitoring system...that allocate[s] between eligible and ineligible uses” (ESL, p. 11), USAC must grant funding requests for Internet access from portable devices.⁵

The Commission has never specified in definitive detail what “offsite” services are eligible; rather, it has provided examples of offsite activities that would be integral, immediate, and proximate to the education of students.⁶ The “classroom” and the “principal’s office,” like workplaces generally, are becoming increasingly mobile, and both the Commission and USAC must carefully consider what constitutes an eligible location. It is precisely when they are offsite (at meetings, conferences, even waiting at a doctor’s office) that teachers, school administrators and librarians will rely upon portable devices to conduct, via voice or e-mail, school- or library-related business. To deny funding for such services simply because the eligible user is not seated at his or her desk on campus, subverts the intent of the E-rate program and prevents applicants from realizing the full productivity benefits of wireless technology.

Text messaging – The draft ESL defines e-mail, an eligible Internet Access service, as “a system for sending text messages and other information across a network” (p. 33). Based on this definition, Sprint Nextel recommends that text messaging be specifically listed in the ESL as a subset of e-mail, and thus eligible, to the extent that it is used by an eligible entity for eligible purposes, to receive E-rate funding under the Internet Access category.

⁵ The “auditable monitoring system” requirement was imposed by the Commission upon its review of the 2006 eligible services list (see “*Release of Funding Year 2006 Eligible Services List for Schools and Libraries Universal Service Mechanism*,” Public Notice released November 22, 2005 (FCC 05-197), p. 2). USAC may not deny funding requests for Internet Access from portable devices without even attempting to determine whether the applicant has an auditable monitoring system in place.

⁶ See n. 2 *supra*.

Distance learning components – The draft ESL states (p. 6) that “the telecommunications component of a distance learning capability is eligible for discount....” Sprint Nextel agrees that the circuit used in association with a distance learning service is clearly eligible; however, the circuit alone (*e.g.*, a T-1 line) is insufficient to enable distance learning. Provision of a distance learning service requires certain equipment – an encoder and decoder (CODEC equipment) – to allow transmission of video and audio signals, in addition to the telecommunications circuit over which the signal travels. If a telecommunications service provider includes the cost to lease the CODEC equipment in the price of its distance learning package, the package price should be E-rate eligible as a Priority 1 telecommunications service.⁷ To make clear that funding will be provided for both the telecommunications circuit and the related CODEC equipment, the ESL should state that “the telecommunications component of a distance learning capability, *as well as the equipment required to convert analog signals to appropriate digital video and audio format*, are eligible for discount.” Sprint Nextel agrees that “a scheduling service or services for creation, maintenance, and storage of content” are not E-rate eligible.

EVDO cards – Wireless Internet access service is E-rate eligible if it is the most cost-effective means of accessing the Internet or obtaining Internet-based e-mail at eligible locations (ESL, p. 11). An EVDO (Evolution Data Optimized) connection card, used with a laptop computer, provides wireless (over a CDMA signal) broadband Internet access service without the need for a hotspot. Provided that the laptop is used by an

⁷ If, on the other hand, the applicant chooses to purchase the CODEC equipment, such equipment presumably would have to be treated as an Internal Connections funding request.

eligible entity for eligible purposes from an eligible location, the cost of an EVDO card should be eligible as a transmitter component.

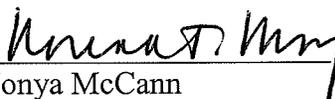
Internet2 link – The draft ESL appropriately states (p. 12) that fees to participate in Internet2 are ineligible. However, the link that connects an eligible entity to Internet2 is eligible as a telecommunications service. Therefore, any reference to “Internet2 access” being ineligible should be removed, and the ESL revised to clarify that the telecommunications link is in fact eligible.

* * * * *

Sprint Nextel recommends that the draft 2007 Eligible Services List be revised as discussed above. Such revisions provide additional clarity and are thus in the public interest.

Respectfully submitted,

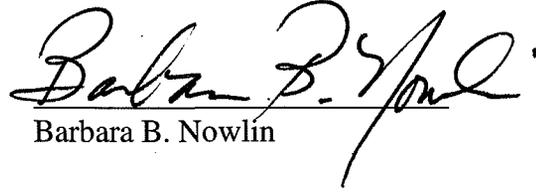
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CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing Comments of Sprint Nextel Corporation were delivered by electronic mail on this 4th day of August, 2006, to the parties listed below.


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