

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC**

In the Matter of:

Request for Review of the)	
Decision of the)	
Universal Service Administrator by)	
)	
Harbor Schools Inc.)	CC Docket No: 02-6
Billed Entity Number: 1365)	
)	
Schools and Libraries Universal Service)	
Support Mechanism)	
)	
Before the Wireline Competition Bureau)	

REQUEST FOR WAIVER TO FILE OUT OF TIME

Harbor Schools intended to submit the attached appeal to the Commission. Currently, Harbor Schools is outside of the 60 filing window and requests the Commission to accept their filing out of time. Harbor Schools is aware of at least one other school district that has also appealed the issue of the eligibility of the Tandberg Border Controller to the Commission. Since the Commission will be deciding the issue of eligibility for that district, Harbor Schools would respectfully request the Commission consider their appeal at the same time.

Sincerely Submitted,



Ted Stedman
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(978) 462-3151 ext 217

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REQUEST FOR REVIEW

INTRODUCTION

Section 54.719(c) of the Commission's rules provides that any person aggrieved by an action taken by a division of the Universal Service Administrative Company may seek review from the Commission.¹ Harbor Schools Inc. (hereinafter "Harbor Schools") hereby appeals the current action taken by USAC in the following case.

BACKGROUND

On September 19, 2006, the SLD denied funding for the following three Funding Request Numbers (FRNs) 1475808, 1478558, and 1476196. Two of the FRNs were denied due to a SLD determination that, "30% or more of this FRN includes a request for the TANDBERG Border Controller which is an ineligible product based on program rules." The third FRN was denied with the following explanation, "30% or more of this FRN includes a request for BASIC MAINTENANCE ON BORDER CONTROLLER which is an ineligible product based on program rules." All three FRNs were filed for Funding Year 2006. For the following reasons,

¹ 47 C.F.R. § 54.719(c).

Harbor Schools would ask the Commission to reverse the SLD reviewer(s) determination that the TANDBERG Border Controller and associated maintenance is ineligible under program rules.

DISCUSSION

The TANDBERG Border Controller is primarily a firewall traversal device. The Border Controller allows audio/video content from TANDBERG conferencing systems to be transmitted over secure (firewalled) networks without the need to “open” or “unblock” certain network ports on the networks’ firewall.

As an example, suppose a school district wishes to use TANDBERG videoconferencing systems to provide distance learning functionality between eligible school locations over the Internet. Since both school locations employ firewalls for data security, those firewalls (normally by default) block the network ports and protocols necessary for the system to connect between sites over the Internet. Enabling the connection, then, is accomplished in one of two ways: first, the network administrator can unblock the necessary ports on the firewall(s) so that the link can be established, thereby reducing security provided by the firewall; or, they may use Border Controllers to establish the communication link between sites without exposing the networks to a higher security risk due to open ports.

The functionality of the Border Controller is congruent with the description of (eligible) Virtual Private Network components in the 2006 Eligible Services List:

A Virtual Private Network (VPN) uses encryption and/or *tunneling services* in order to provide highly secure communication over the public Internet or in some cases over point-to-point links. (emphasis added)

Tunneling services are exactly what the Border Controller provides. By utilizing this tunneling functionality, the Border Controller enables an applicant to establish a secure communications link between eligible locations for videoconferencing (distance learning) purposes. Although the Border Controller does not accomplish tunneling through the use of “standard” VPN protocols, the Eligible Services List contains no restrictions or specifications on the particular technology employed to accomplish this functionality.

In addition, the Eligible Services List states the following with respect to (eligible) firewalls:

A firewall is a hardware and software combination that sits at the boundary between an organization's network and the outside world, and protects the network against unauthorized access or intrusions.

Although not expressively marketed as a traditional firewall, the Border Controller does provide the protection described above by allowing the organization's firewall to continue to block ports necessary for content distribution. Without the use of the Border Controller, a firewall's security functionality must be reduced to accommodate the transmission of TANDBERG videoconferencing content. Because the Border Controller enables an applicant's firewall(s) to be fully utilized while still allowing videoconferencing content to be distributed, the combination of the applicant's firewall device and the Border Controller provide eligible data protection functionality more effectively than a configuration utilizing only a standard firewall device when TANDBERG videoconferencing systems are used by the applicant.

SUMMARY

For the above listed reasons, Harbor Schools would request that the Commission determine the TANDBERG Border Controller and the Basic Maintenance of the Controller to be an eligible product/service and remand this case back to USAC with orders that the FRNs at issue should be funded.

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