

Dear FCC Chairman Kevin J. Martin and Commissioners:

The Abbott Consortium for Technology (ACT) was formed in 1998 in order for Abbott school districts in New Jersey to collaborate and maximize the benefits provided by the Universal Service's erate program. The collaborative relationship has yielded millions of dollars in e-rate discounts for the ACT members from the total received in NJ of \$61,377,231.40, which is 3.7% of national total (approximately \$1.6 billion). Since then, the ACT group has provided a forum for sharing and learning about issues and strategies to elevate the level of educational technology integration in the general education curriculum that occurs in each of the Abbott schools. Every Abbott district educational technology director/coordinator is a member of this ACT group.

The following is from Eschool News:

December 8, 2006-According to new federal rules that went into effect Dec. 1, schools, businesses, and other organizations are required to keep tabs on all eMail, instant messages (IM), and other digital communications produced by their employees. The rules, first approved by the U.S. Supreme Court in April, have been widely reported as important for businesses and other for-profit enterprises. But, according to legal experts familiar with the case, the High Court's ruling also applies to public schools and other nonprofit organizations. The ruling--which states that any entity involved in litigation must be able to produce "electronically stored information" during the discovery process--the process in which opposing sides of a legal dispute must share evidence before trial--could have significant implications for school technology departments, especially in places where technicians routinely copy over backup discs and other information housed on school servers.

<http://www.eschoolnews.com/news/showStory.cfm?ArticleID=6734>

We, the ACT members, are requesting that the FCC and SLD consider special provisions to fund school districts at a level 1 tier to cover email archiving costs for the following reasons:

1. The ruling is a Federal court decision by the U.S. Supreme Court mandating compliance.
2. Within the categories of communications (Internet or Telecom) those levels are funded at level one and email is considered level one.
3. Whether a district provides email archiving for itself or pays someone else to accomplish this task, there are costs involved.
4. As servers and all of the associated hardware and software can be covered under Internal connections, this would only change that category, for email archiving, to level one due to the U. S.

Federal mandate. Other internal connections might be considered optional such as increasing the speed of a connection (from T1 to DS3) or other internal connections costs. Email archiving costs is a cost borne of a federal mandate and as such should be afforded special consideration.

Sincerely,

Steve Dantine writing on behalf of ACT