Before the
Federal Communications Commission
Washington, DC 20554

In the Matter of:	
Eligible Services List For Funding Year 2009	**CC Docket No. 02-6**
Schools and Libraries Universal Support Mechanism	

REPLY COMMENTS OF EDLINE

Edline is submitting these Reply Comments to the draft 2009 Eligible Services List ("ESL") in further support of its request that the Federal Communications Commission ("FCC" or "Commission") reject the proposal to make "Intranet web hosting" ineligible. In addition to Edline, the New York State Office of Children and Family Services and the E-Rate Service Providers Association ("ESPA")[1] also urged the Commission in their comments to refrain from adopting the proposal. The parties appearing to favor the proposal are Funds for Learning ("FFL") the South Carolina Budget and Control Board, and the State E-rate Coordinators Alliance ("SECA").[2]

I. Response to FFL's Comments on "Intranet Web Hosting"

FFL, like Edline, indicates that the proposal, if adopted, may cause confusion. FFL offers a

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[1] *See* Comments of New York State Office of Children and Family Services at 1, dated Aug. 12, 2008; E-Rate Service Providers Association at 1, 3, 4, dated Aug. 14, 2008. All comments are filed in response to Public Notice, FCC 08-180, Draft Eligible Services For Schools and Libraries Universal Service Mechanism, rel. July 31, 2008

[2] *See* Comments of Funds for Learning LLC (FFL) at 3, 4, dated Aug. 14, 2008; South Carolina Budget and Control Board at 2, dated Aug. 14, 2008 (supporting SECA's Comments); State E-rate Coordinators Alliance (SECA) at 5, 6, 7, dated Aug. 14, 2008.

proposed clarification that would allow adoption of a change that would not be ambiguous by distinguishing between a LAN and WAN type of web hosting service.[3] However, Edline submits that the distinction provided by FFL on this subject appears to misunderstand that a web hosting service, such as that provided by Edline, always operates on the public Internet space, separate from a school site. Edline notes that public Internet space means information traveling over the Internet; it does not necessarily mean that this information needs to be publicly available, much in the same manner in which e-mail travels over the Internet. As such, the transmission to and from the applicant's facilities and the web hosting service provider's facility in all cases will operate on the public Internet and in all cases will meet the FCC requirement that requires communications to reach the boundary of the public Internet space in order to qualify as Internet access.

FFL's comments appear to relate to an Internal Connections web server that could have some communications that do not leave school property; this is different from the draft FCC proposal that is seeking to make "Intranet web hosting" services ineligible as Priority One services. Edline notes that the draft FY2009 ESL did not provide a detailed discussion of its current definition of "Intranet web hosting," but, given the comments previously made by USAC on this matter, Edline surmises that USAC was not referring to Internal Connections web services.

II. Response to SECA's Comments on "Intranet Web Hosting"

SECA states in its comments regarding "Intranet web hosting" eligibility changes that "[t]his clarification will remove an ambiguity, that has caused confusion among applicants and vendors, and concern over inconsistency in administering the program, that has existed for several years."[4] Edline

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[3] *See* Comments of FFL at 3, 4.

[4] *See* Comments of SECA at 5.

agrees with SECA, but respectfully disagrees that the FCC proposal or Comments in support thereof provide an improvement. Rather, any adoption by the FCC of this proposal that calls for the ineligibility of "Intranet web hosting" will greatly exacerbate the current problem.

First and most significantly, most schools need to restrict website content for safety, security, and privacy reasons as explained in more detail in our initial Comments.[5] Second, most web hosting solutions provide for restricted content as part of their standardized featured services. Requiring cost allocation for such standardized features will lead to more confusion, administrative burden and bias in a Program that is based upon the principles of keeping pace with advanced technologies and competitive neutrality. And finally, Edline highlights herein its key reasons to reject the proposed ineligibility of "Intranet web hosting:"

- The proposed change is inconsistent with the core universal service concept of "technological neutrality."
- The proposed change is not supported by any FCC Order, rule, policy or program goal.
- The critical requirements of student safety and security would be significantly undermined if the proposal is adopted.
- The Commission should not impose eligibility restrictions on a commonly employed and beneficial feature of modern web hosting services
- Due to the adverse impact on E-rate constituents, the FCC should limit E-rate eligibility only in circumstances where there is a particularly high and overriding public policy objective.
- The proposed change is beyond the FCC-stated scope of the annual update process, which is "not intended to be a vehicle for changing any eligibility rules."[6]

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[5] *See* Comments of Edline at 9, dated August 14, 2008.

[6] *Id.* at 4.

Edline appreciates the opportunity to address this issue in further detail, and looks forward to ongoing participation in this process.

Respectfully submitted,

Edline

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CERTIFICATE OF SERVICE

I, Jennifer Cetta, certify on this 20th day of August, 2008, a copy of the foregoing has been served via electronic mail or first class mail, postage pre-paid, to the following:

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