

**Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington D.C. 20554**

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

Submitted 20 August 2008

**COMMENTS CONCERNING THE PROPOSED 2009 ELIGIBLE SERVICES  
LIST IN RESPONSE TO A NOTICE OF PROPOSED RULEMAKING ISSUED  
25 JULY 2008**

TRZ Communications Services, Inc. (hereinafter sometimes referred to as TRZ) hereby submits these comments in response to the Notice of Proposed Rulemaking issued by the Commission on 25 July 2008; concerning the 2009 Eligible Services List (“ESL”) which will be used by the Universal Service Administrative Company (“USAC”) to govern support requests during the upcoming funding year for the schools and libraries support mechanism. In these comments, TRZ respectfully requests that the Commission:

- (1) Add “Telephone Broadcast Messaging” to the Eligible Services List as an Eligible Priority 1 Service.
- (2) Require “Telephone Broadcast Messaging” providers that are Telecommunications Providers to include sales of “Telephone Broadcast Messaging” within their revenue to determine obligations to the Universal Service Funding Mechanism.
- (3) Require “Telephone Broadcast Messaging” providers that are not Telecommunications Providers to participate in the Universal Service

Funding Mechanism for their sales of "Telephone Broadcast Messaging" services to eligible entities, to the extent and manner that a Telecommunication Provider providing such service would be required to participate.

Description of Telephone Broadcast Messaging<sup>1</sup>

Telephone Broadcast Messaging (TBM) uses the Public Switched Telephone Network (PSTN) and the Internet and to transmit both emergency and routine information from eligible schools to a TBM provider. The message is then broadcast by the TBM provider to recipients selected by the eligible entity; namely parents of students, students, teachers and staff. Transmission by the TBM provider occurs *via* the PSTN or *via* the Internet using VoIP technology or using a combination of the telephone network and the Internet.

We agree with the Commission's position that Telephone Broadcast Messaging, like VoIP, may not clearly fall within either the category of telecommunications service (or that of an Internet access service). Instead, it is our position that the Commission should allow inclusion of TBM in the Eligible Services List as a "Special Service" as authorized under Subsection (c)(3) of 47 U.S.C. 254.

---

<sup>1</sup> Telephone broadcast messaging allows pre-recorded messages to be sent over phone lines to individuals concerning school delays or closures, reported absences, upcoming activities and events, and emergencies.<sup>97</sup> For example, telephone broadcast messaging service could be used to provide parental notification services and systems, which can be a valuable tool for reaching out to the community in the event of an emergency. (FCC 08-173 at Page 12, Item 23.)

## Rationale for Inclusion in the Eligible Services List

In the Telecommunications Act of 1996, Congress outlined a system to enable the Commission to encourage Universal Service for schools and libraries (popularly know as the E-Rate Program). Included in that system is a mandate to define which services will be funded under the Universal Service support mechanism.<sup>2</sup>

In response to this congressional mandate, the Commission has established an Eligible Services List (ESL) which contains a bifurcated priority system consisting of Priority 1 and Priority 2 Services. Within the funds allocated to the E-Rate Program, Priority 1 Services are always funded before Priority 2 Services Priority 1 Services are further subdivided into Telecommunications Services and Internet Access Services. However, there are some exceptions to this last dichotomy. Voice Mail and Integrated Voice over Internet Protocol Services may be funded under the first priority category when provided as either Telecommunications or Internet Access Services.

Although we consider much of our evidence as anecdotal, we do find it quite convincing. We have found that many of the school districts and schools would like to provide Telephone Broadcast Messaging services to their students cannot afford to do so.<sup>3</sup> Many of the eligible entities that are able to provide TBM services tell us that it they consider it very important to the education and safety of their students.<sup>4</sup> As is generally true with services that are not discounted for

---

<sup>2</sup> See Affidavit of Thomas Zawistowski.

<sup>4</sup> *Id.*

entities that have high poverty rates, low wealth school districts and low wealth schools are less able to afford this important advanced technology. Adding TBM to the Eligible Services List will allow the Commission to better achieve its mandate “to enhance, to the extent technically feasible and economically reasonable, access to advanced telecommunications and information services for all public and nonprofit elementary and secondary school classrooms, health care providers, and libraries....”<sup>5</sup>

### Recommendations

For the reasons set forth above, TRZ Communications Services, Inc. respectfully requests that the Commission adopt the following:

- (1) Add “Telephone Broadcast Messaging” to the Eligible Services List as an Eligible Priority 1 Service.
- (2) Require “Telephone Broadcast Messaging” providers that are Telecommunications Providers to include sales of “Telephone Broadcast Messaging” within their revenue to determine obligations to the Universal Service Funding Mechanism.
- (3) Require “Telephone Broadcast Messaging” providers that are not Telecommunications Providers to participate in the Universal Service Funding Mechanism for their sales of “Telephone Broadcast Messaging” services to eligible entities, to the extent and manner that a Telecommunication Provider providing such service would be required to participate.

---

<sup>5</sup> 47 U.S.C. § 254 (h)(2)(A)

Thank you for your consideration of our comments. Please feel free to contact me if you need additional information concerning the matters discussed herein.

Sincerely,

A handwritten signature in black ink, appearing to read "Patrick Vitone". The signature is fluid and cursive, with a large initial "P" and a long, sweeping underline.

Patrick Michael Vitone, Attorney at Law  
TRZ Communications Services, Inc.  
4682 State Route 43  
Kent, OH 44240  
800-846-4630, Ext. 111  
Fax: 800-846-4632 [pvitone@trzcom.com](mailto:pvitone@trzcom.com)

**Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington D.C. 20554**

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

Submitted 11 August 2008

**AFFIDAVIT OF THOMAS ZAWISTOWSKI, PRESIDENT OF TRZ  
COMMUNICATIONS SERVICES, INC.**

I, Thomas Zawistowski, am President of TRZ Communications Services, Inc. (hereinafter, TRZ) of Kent, Ohio.

- 1) TRZ has been in the business of providing Telephone Broadcast Messaging on behalf of school districts and schools since 2001.
- 2) TRZ has provided Telephone Broadcast Messaging services to schools serving many hundreds of thousands of students since the inception of our Telephone Broadcast Messaging service.
- 3) My position puts me in close contact with various school and school district officials including superintendents, principals, treasurers and other administrative and teaching schools employees.
- 4) A large number of school officials have expressed to me their inability to fund a Telephone Broadcast Messaging service for their respective districts or schools.
- 5) Many of the officials from school districts and schools that do participate in our service have told me that it is one of the most important technological advances used by their school district or school.

- 6) The following are typical of comments that we have received from participating school districts and schools:

The Parent Notification calling system has been a great enhancement in communicating with our parents this school year. I have had many compliments from parents on receiving the calls concerning 2 hour delays or school closings due to winter weather conditions as well as reminders for meetings. We have used the call notification system for both emergency and non-emergency purposes at the district level and principals use it at the building level frequently to get information to families. The Parent Notification system has been a great asset in our overall communication to parents and students. We appreciate your quick responsiveness to any questions or concerns we have had. We look forward to working with you in years to come!

Sincerely,

Rick Broderick, Superintendent  
Northeastern Local Schools  
Springfield, Ohio

The Parent Notification system has been the single most effective means of getting timely and important information out to our parents, especially during those times when parents need reassurance about the safety of their children.

Roger Sidoti, Principal  
Theodore Roosevelt High School  
Kent, Ohio

- 7) TRZ makes use of the Public Switched Telephone Network and the Internet, including extensive use of Voice over Internet Protocol, in providing Telephone Broadcast Messaging services to eligible school districts and schools.

Thank you for your attention to our company's comments concerning inclusion of Telephone Broadcast Messaging in the E-Rate Eligible Services List. We work diligently to provide a useful and important tool to educators.

We hope that the Commissions actions will encourage more schools to adopt this useful and important advanced telecommunications and information technology.

Sincerely,



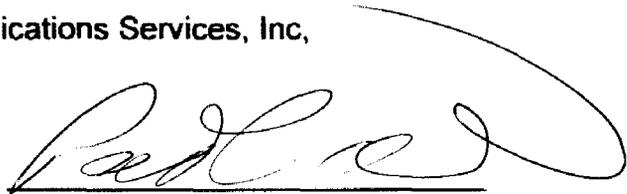
Thomas Zawistowski, President  
TRZ Communications Services, Inc.  
4682 State Route 43  
Kent, OH 44240  
800-846-4630, Ext. 103  
Fax: 800-846-4632  
[tomz@trzcom.com](mailto:tomz@trzcom.com)

\*

\*

\*

Signed before me this 20<sup>th</sup> day of August, 2008 at Kent, Ohio by Thomas Zawistowski, President of TRZ Communications Services, Inc,



\_\_\_\_\_  
(Seal)

Signature of Notary

My Commission Expires

\_\_\_\_\_  
**PAT VITONE, Attorney at Law**  
**Notary Public - State of Ohio**  
**My Commission Has No Expiration**  
**Date - R.C. Sect. 147.03**