

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

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

COMMENTS OF SPRINT NEXTEL CORPORATION

Sprint Nextel Corporation, pursuant to the Public Notice released August 19, 2008 (DA 08-1930), hereby respectfully submits its comments in the above-captioned Notice of Proposed Rulemaking (NPRM) released July 31, 2008. In the NPRM, the Commission has sought comment on whether several services should be included on the Funding Year 2009 E-rate Eligible Services List (ESL): filtering software, a broader classification of basic telephone service, dark fiber, text messaging, firewall service, anti-virus/anti-spam software, scheduling services, telephone broadcast messaging, certain wireless Internet access applications, and interconnected Voice over Internet Protocol (VoIP). As discussed briefly below, Sprint Nextel recommends that text messaging, wireless Internet access services associated with data applications, wireless Internet access services (basic conduit access) used on school buses, and interconnected VoIP all be included on the 2009 ESL.¹

Wireless Internet Access data services – There is no dispute that wireless Internet access service is eligible for E-rate support (*see, e.g.*, ESL, p. 7). However, the ESL also

¹ Sprint Nextel expresses no opinion about whether the other services discussed in the NPRM should be included on the ESL.

states that “services that go beyond basic conduit access to the Internet” are not eligible for E-rate support (p. 8). This restriction is now outdated, and does not fully reflect the ways that schools and libraries are using Internet conduit access services today.

Therefore, Sprint Nextel recommends that the ESL be modified to treat certain data service applications as eligible Internet Access service offerings.

Schools and libraries are using wireless Internet access technology more and more to transmit data, on a real-time basis, that helps to ensure student/teacher/patron safety,² monitor student attendance,³ track school bus location,⁴ and assess classroom effectiveness.⁵ By fostering safe and secure environments, and promoting greater

² Internet access services can be used to transmit information about activities on and near school buses and school/library grounds to school administrators and public health and safety entities. For example, equipment on school buses can be used to automatically or manually transmit information about emergencies or disturbances; school safety officials can perform NCIC (National Crime Information Center) look-ups using wireless handsets; athletic directors can receive weather alerts on their wireless handsets to help ensure safety at outdoor practices and away games; and emergency management plans and response activity information can be transmitted to and between school officials, police, fire departments, etc. via wireless handsets.

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/she enters and exits the school bus (thus registering information on where and when a child gets on and off the 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 using GPS technology 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).

⁵ For example, school administrators visiting classrooms can record teacher and pupil assessment information electronically so that the information is uploaded automatically via Internet access links to the appropriate databases or administrative records.

efficiency in school/library administration, all of these capabilities can reasonably be considered to be “integral, immediate and proximate” to the education of students,⁶ and thus eligible for E-rate funding. Sprint Nextel therefore recommends that the Commission expand the definition of eligible Internet Access services included on the ESL to include data services such as those described above.

Internet Access service on school buses also should be E-rate eligible. The Commission has previously found that in certain instances, “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.⁷ This same reasoning applies with equal force to the use of Internet Access services on school buses. 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.), the ESL should explicitly state that wireless Internet Access services on the school bus are E-rate eligible.

Given the compelling case for including wireless data services and wireless Internet access on school buses on the ESL, the Commission should also clarify that EVDO (Evolution Data Optimized) connection cards are also eligible for E-rate support. An EVDO 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 eligible entity for eligible purposes, the cost of an EVDO card should be eligible as a transmitter component.

⁶ *Schools and Libraries Universal Service Support Mechanism*, 18 FCC Rcd 9202, 9209 (para. 19) (2003).

⁷ *Id.*, n. 28.

Text messaging – The ESL defines e-mail, an eligible Internet Access service, as “the transmission of text messages and other embedded data such as file attachments...over a local or world-wide computer network” (p. 31). 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.

The Commission should also specify that text messaging, if obtained as part of a bundled telecommunications service package, is also eligible for E-rate funding under the telecommunications category without requiring a cost allocation of any incidental text messaging expenses. Currently, Sprint Nextel offers bundled voice packages which include up to 100 text messages in the monthly recurring charge (MRC).⁸ Customers subscribing to these service offerings use their wireless handset primarily for voice communications, and therefore often request E-rate funding for the MRC from the telecommunications category. Rather than requiring applicants to submit a split FRN (telecommunications and Internet Access) for this bundled offering, Sprint Nextel recommends that the Commission allow such incidental text messaging feature to be eligible under a telecommunications funding request, without the need for cost allocation.

Interconnected VoIP – As noted in the NPRM (paras. 9-10), interconnected VoIP services are subject to 911, CALEA, USF contribution, local number portability, and disability access requirements. As an increasing number of consumers – including

⁸ Sprint Nextel does not assess a separate charge for fewer than 100 text messages. Text messaging in excess of the 100 bundled messages is assessed a separate usage charge. Sprint Nextel does not propose that these separate text messaging charges be eligible

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schools and libraries – turn to interconnected VoIP for their telecommunications needs, it is only reasonable that this service remain eligible for E-rate support.⁹ To remove or limit E-rate support for a service that is accounting for an ever-increasing market share would be extremely disruptive to current subscribers, and would discourage potential subscribers from switching to new broadband technologies with their expanded capabilities.

If the school or library is planning to use interconnected IP services for any voice services, it should request E-rate support from the Telecommunications category. Because applicants today may, for administrative convenience, request E-rate funding for combined Telecommunications/Internet access services under the telecommunications services category, there is no conflict to requesting support for IP-based services (which can be used to obtain both telecommunications and Internet access services) from this category as well.¹⁰ However, the reverse does not hold true – applicants cannot receive E-rate support for telecommunications services from Internet access service providers if support was requested only from the Internet Access category. Thus, it would be

under the telecommunications category (although they would presumably be eligible under the Internet Access category).

⁹ Interconnected VoIP was first included as an eligible service in 2007. *See* NPRM, para. 11.

¹⁰ As stated in the ESL (p. 2), “[i]f Internet access is being requested in the Telecommunications Services category, applicants must indicate that Internet access is being sought when filing FCC Form 470. Please note that funding of Internet access in the Telecommunications Services category does not relieve applicants of responsibilities they may have under the Children’s Internet Protection Act.” This requirement covers IP-based offerings as well. Applicants requesting E-rate support for IP-based services from the telecommunications category are thus subject to the Form 470 and CIPA requirements noted in the ESL.

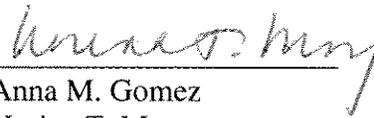
inappropriate to request funding solely from the Internet Access category if the applicant uses the IP-based services to place or receive voice calls.

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For the reasons cited above, the Commission should amend the 2009 ESL to include wireless Internet access (basic conduit access) service from school buses; wireless Internet data services; text messaging; and interconnected VoIP.

Respectfully submitted,

SPRINT NEXTEL CORPORATION

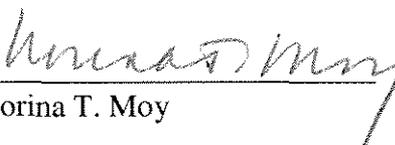


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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing comments of Sprint Nextel Corp. was filed electronically or via US Mail on this 18th day of September 2008 to the parties listed below.


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