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

In the Matter of	)	
	)	
Schools and Libraries Universal Service	)	CC Docket 02-6
Support Mechanism	)	

COMMENTS OF THE NATIONAL CABLE & TELECOMMUNICATIONS ASSOCIATION

The National Cable & Telecommunications Association (NCTA) hereby submits these comments in response to the Commission's Notice of Proposed Rulemaking in the above-captioned proceeding.[1]

NCTA is the principal trade association representing the cable television industry in the United States. Its members include cable operators serving more than 90 percent of the nation's cable television subscribers, as well as more than 200 cable programming networks and services. The cable industry is the nation's largest provider of high-speed Internet access after investing over $130 billion since 1996 to build out a two-way interactive network with fiber optic technology.

Cable operators also are providing voice services to their customers. The cable industry currently serves over 15 million voice subscribers and that number continues to grow rapidly. Many cable operators provide voice service, as well as Internet access, to schools and libraries that receive funding for these services from the federal Schools and Libraries Universal Service Support Mechanism, more commonly referred to as the E-Rate program.

[1] *Schools and Libraries Universal Service Support Mechanism*, Notice of Proposed Rulemaking, 23 FCC Rcd 11703 (2008) (*Notice*).

In the *Notice*, the Commission solicits comment on whether the E-Rate program should continue to provide support for interconnected VoIP service.[2] As the Commission explains, VoIP has been included on the Eligible Services List under the "Miscellaneous" category for the last two years. As a result, schools and libraries have been able to seek support from the E-Rate program when they purchase VoIP services. The Commission tentatively concludes that such support should continue and that VoIP should continue to be treated as a Priority 1 service.[3]

As the leading provider of VoIP services, the cable industry strongly supports the Commission's tentative conclusions. The Commission observes correctly that millions of consumers have chosen VoIP services in recent years and that "schools and libraries could benefit from the same cost efficiencies and services features that have led many consumers to choose this technology."[4] Treating VoIP as an eligible service is fully consistent with the purposes of the E-Rate program because it "enhances the options available to schools and libraries to effectuate meaningful communications among parents, teachers, and school and library administrators."[5]

The Commission should retain the status quo with respect to the categorization of VoIP services for purposes of administering the E-Rate program. Because the Commission has not yet completed the *IP-Enabled Services* rulemaking, in which it is considering whether VoIP is an information service or telecommunications service, VoIP should continue to be treated as a Miscellaneous service for E-Rate purposes. And it should continue to be treated as a Priority 1 service, as the Commission tentatively concludes in the *Notice*.

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[2] *Notice* at ¶ 12.

[3] *Id.* at ¶¶ 12-13.

[4] *Id*. at ¶ 12.

[5] *Id.*

The *Notice* also asks whether an applicant requesting funding for interconnected VoIP services should comply with the Children's Internet Protection Act (CIPA) if the applicant does not also receive E-rate funds for Internet access, Internet service, or internal connections.[6] Because interconnected VoIP does not enable a user to obtain access to objectionable online content, it should not trigger application of the requirements of CIPA. Under these circumstances, a school or library purchasing VoIP service should be treated no differently than one that purchases traditional circuit-switched telephone service.

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For the reasons explained above, the Commission should retain the status quo and allow VoIP service to continue to be eligible for E-Rate support.

Respectfully submitted,

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6 *Id.* at ¶ 13.