

**Before the  
Federal Communications Commission  
Washington, D.C. 20554**

<b>In the Matter of</b>	)	
	)	
<b>Schools and Libraries Universal Service</b>	)	<b>CC Docket No. 02-6</b>
<b>Support Mechanism: 2009 Eligible</b>	)	
<b>Services List for Universal Service</b>	)	
<b>Mechanism for Schools and Libraries</b>	)	

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**Comments from the  
Wisconsin Department of Public Instruction**  
(Filed September 17, 2008)

The Wisconsin Department of Public Instruction (DPI, department) is both the Wisconsin state education and state library agency. We appreciate this opportunity to make comments on the expansion of eligible services for the 2009 E-rate year as stated in the above referenced docket released July 31, 2008.

**Contents:**

Our comments below address the following services that the FCC references in this Notice of Proposed Rule Making (NPRM).

- A) Interconnected VoIP Service
- B) Filtering Software
- C) Basic Telephone Service
- E) Other Services

In general, we strongly support adding the services the Commission references in this NPRM.

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## **A) Interconnected VoIP Service**

Wisconsin Department of Public Instruction supports the continued eligibility of Interconnected VoIP Service.

*Discussion:* While the Commission has not yet determined if interconnected VoIP services are telecommunications services or information services, we do not see this lack of determination as impacting VoIP's eligibility. Applicants should be able to apply for VoIP in either the telecommunications or Internet access category (Priority 1 services) and reference to VoIP eligibility should also be made in both of these Priority 1 categories. Listing VoIP in the "Miscellaneous" category is not necessary and is confusing to applicants. In July 2008, our state Department of Administration signed a VoIP State Master Contract with AT&T. Our schools and libraries are already asking how they can use E-rate to further reduce their costs under this contract. On the question of CIPA compliance, this issue only applies in the Internet category. To address this, the DPI suggests the Commission—or actually the applicant—consider CIPA's "Adult" disabling option.<sup>1</sup> VoIP, just like an applicant's more conventional phone system, is in almost all instances used by staff who are adults. And thus the applicant can have a policy that invokes CIPA's adult exemption. In rare instances where a student or library patron may use the VoIP phone system, staff only need to be certain that the VoIP handset does not have a screen because CIPA only requires the blocking of certain images.

## **B) Filtering Software**

The Wisconsin Department of Public Instruction supports the addition of filtering software as an eligible service.

*Discussion:* After reviewing the specific language in CIPA, as highlighted in the NPRM, we do not think this language prohibits the use of E-rate funds to support filtering software. We also do not think that a litmus test for eligibility should rest on whether filtering can be paid through other federal funding sources. Simply stated: Because filtering is mandated in order to receive discounts on certain E-rate eligible services, the Commission should make filtering software eligible. We definitely think that making filtering eligible will help to resolve one area of program complexity regarding whether filtering is an "integral component" of the applicant's Internet service. If it is, then it is eligible. But

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<sup>1</sup> USC Title 47, Chapter 5, Section 254, (h)(5)(D). An administrator, supervisor, or other person authorized by the certifying authority under subparagraph (A)(i) may disable the technology protection measure concerned, during use by an adult, to enable access for bona fide research or other lawful purpose.

“a separately priced content filtering module or product is not eligible.”<sup>2</sup> Eligibility in this instance is based on how a service is billed but there is no difference on what the service does. Making filtering eligible will eliminate this confusion and eliminate the current arbitrary determination based on how the applicant’s bill/invoice is constructed. (See also our comments below on firewalls.)

### **C) Basic Telephone Service**

The Wisconsin Department of Public Instruction supports the expanded definition of what constitutes “basic” telecommunication services.

*Discussion:* We appreciate the 2008 ESL declaring CENTREX to be a “basic” phone service. We also strongly support inclusion of T1 lines. But in addition to T1 lines, logically this needs to incorporate any digital circuit. It should include DSL, and circuits of any speed, capacity or transport medium (e.g., copper, fiber, wireless.) Defining digital circuits and other services listed in the NPRM as “basic” is definitely a step in the right direction. We encourage the Commission to move further on this issue and declare all services in the telecommunications category to be “basic” and thus eliminate the technology plan requirement. Any exceptions to the “basic” definition will perpetuate confusion in the applicant community and result in continued delays in funding because of the need to more closely scrutinize applications.

We are already on record regarding the issue of technology plans and telecommunication services. In May 2007 our department filed comments with the FCC in support of a petition by the State E-rate Coordinators’ Alliance (SECA) related to technology plans. We encourage the Commission to review the SECA and DPI<sup>3</sup> comments. Here are several key points paraphrased from our filing:

- The Commission has taken a rather innocuous statement in the original report by the Joint Board, that requiring technology plans would not be “unduly burdensome,”<sup>4</sup> and over the years has turned it into an unduly burdensome requirement for schools and libraries.
- The FCC should eliminate the technology plan requirement for all Priority 1 services. In its Fifth Order the Commission declined to remove the plan requirement for Internet access because it

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<sup>2</sup> *Eligible Services List, Schools and Libraries Support Mechanism for Funding Year 2008*, p. 14.

<sup>3</sup> Comments from the Wisconsin Department of Public Instruction. Filed May 10, 2007. *Petition by the State E-rate Coordinators’ Alliance for Clarification and/or Waiver of E-rate Rules Concerning Technology Plan Creation*. CC Docket No. 02-6.

([http://fjallfoss.fcc.gov/prod/ecfs/retrieve.cgi?native\\_or\\_pdf=pdf&id\\_document=6519410887](http://fjallfoss.fcc.gov/prod/ecfs/retrieve.cgi?native_or_pdf=pdf&id_document=6519410887))

<sup>4</sup> *Recommended Decision*. Federal-State Joint Board, CC Docket No. 96-45, released November 8, 1996. Paragraph 601.

wanted to ensure “that applicants have carefully considered how to employ the service.”<sup>5</sup> Over 99% of schools and libraries nationwide now have Internet access. They very much know how to employ it, and thus the plan requirement should be removed.

- Telecommunications and Internet access are core (“basic”) services for schools and libraries. Asking for a technology plan for these services is like asking for a plan for using electricity.

## **E) Other Services**

The Wisconsin Department of Public Instruction supports the inclusion of the following services.

*Text messaging:* We believe that the Commission itself makes the best case for the eligibility of this service. That is, “The ineligibility of text messaging is inconsistent with the treatment of other eligible messaging services, and that this inconsistency creates difficulty for USAC in assessing eligibility and confusion for E-rate applicants....”<sup>6</sup> The current inconsistency, where email and paging are eligible but text messaging is not, is bewildering to applicants. It is not technology neutral, and causes problems during the PIA application review process.

*Firewall:* Like text messaging, not including the eligibility for firewall service is confusing. For this service however, it is even more confusing because a firewall is eligible when it is incorporated as part of an applicant’s Internet access service, but it is not eligible when billed as a separate, standalone service. Thus the Commission is basing eligibility not on the technology, but on how it is billed. To be blunt, this does not make sense.

*Anti-Virus/Anti-Spam Software:* We find it difficult to believe that any school or library does not have anti-virus and anti-spam software. Email cannot be used as an effective communication tool without these services. Thus we support their eligibility for Priority 1 discounts.

*Scheduling Services.* On August 4, 2006, the Department of Public Instruction and Wisconsin’s Department of Administration filed detailed comments in support of scheduling services, and the NPRM duly references our filing.<sup>7</sup> Rather than repeat our justification and rationale for making

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<sup>5</sup> *Fifth Report and Order*. CC Docket No. 02-6, (released August 13, 2004). Paragraph 62, “[W]e decline to eliminate the [technology plan] requirement for those seeking internet access, because we believe that certified plans are important to ensuring that applicants have carefully considered how to employ the service.”

<sup>6</sup> See *Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Notice of Proposed Rule Making, para. 22 (Released July 31, 2008).

<sup>7</sup> See *Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Notice of Proposed Rule Making, footnote 93 (Released July 31, 2008). See *Comments from the Wisconsin Department of*

scheduling services again eligible—which they were prior to 2006—we ask the Commission to review our August 2006 comments. One more recent fact to note is that as transportation costs have increased dramatically in the past year, distance education is becoming even more important as a medium to economically deliver course content. Scheduling of these online, interactive classes remains an essential and core part of any video distance education network. Without a scheduling module teachers and students would have no idea what courses are being offered at what times, making the whole distance learning system useless.

*Telephone Broadcast Messaging:* This should be eligible and considered a “basic” telecommunication service. We do not think that simply because broadcast messaging is not considered a “custom calling feature” should make it ineligible. This service is used increasingly by our schools and libraries to notify the community of important, and sometimes critical, safety-related information. Making broadcast messaging eligible also comports with the department’s support to make all telecommunication services E-rate eligible. Doing this makes the telecommunications category much more transparent to applicants and will streamline the application review process.

Thank you for this opportunity to make reply comments on the draft 2009 Eligible Services List. We urge the Commission to move forward and make these services E-rate eligible.

Respectfully,



Richard Grobschmidt,  
Assistant State Superintendent  
Wisconsin Department of Public Instruction  
Division for Libraries, Technology, and Community Learning  
(608) 266-2205 richard.grobschmidt@dpi.wi.gov